

SARAH L. OVERTON (CSB # 163810)
CUMMINGS, MCCLOREY, DAVIS, ACHO & ASSOCIATES, P.C.
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Attorneys for Defendants,
Attorneys for Defendants
the Honorable Tani Cantil-Sakauye,
Chief Justice of California;
the Honorable Ethan P. Schulman,
Judge of the Superior Court of California,
County of San Francisco;
Judicial Council of California; and
Superior Court of California,
County of San Francisco

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES J. ISON AND THE ISON LAW
FIRM, PC,

Plaintiffs,

v.

SUPERIOR COURT OF
CALIFORNIA, COUNTY OF SAN
FRANCISCO, et al.;

Defendants.

CASE: 2:21-CV-01546-MCE-KJN

REQUEST FOR JUDICIAL NOTICE;
DECLARATION OF SARAH L.
OVERTON AND EXHIBITS

Date : January 27, 2022
Time : 2:00 p.m.
Courtroom : 7, 14th Floor
Judge : Hon. Morrison C.
England, Jr.

TO THE HONORABLE COURT AND TO PLAINTIFFS J.C. BIRO, M.D.,
PH.D., PRO SE:

Defendants the Honorable Tani Cantil-Sakauye, Chief Justice of California; the
Honorable Ethan P. Schulman, Judge of the Superior Court of California, County of
San Francisco; Judicial Council of California; and Superior Court of California,

County of San Francisco, hereby request that the court take judicial notice pursuant to Federal Rules of Evidence, Rule 201, of the following facts and documents, attached as exhibits hereto, in support of defendants' motion to dismiss plaintiff's first amended complaint.

1. Register of actions, *Talens v. Japanese Feast, Inc.*, San Mateo Superior Court case no. 19-CIV-05403;

2. Register of actions, *Ison v. Mercury Insurance*, San Francisco Superior Court case no. 20-CGC-589080;

3. Order and judgment of contempt, *Ison v. Mercury Insurance*, San Francisco Superior Court case no. 20-CGC-589080.

Dated: December 13, 2021 **CUMMINGS, MCCLOREY, DAVIS & ACHO, P.L.C.**

By: /S/ Sarah L. Overton
Sarah L. Overton, Esq.
Attorneys for Defendants,
the Honorable Tani Cantil-Sakauye,
Chief Justice of California;
the Honorable Ethan P. Schulman,
Judge of the Superior Court of California,
County of San Francisco;
Judicial Council of California; and
Superior Court of California,
County of San Francisco

DECLARATION OF SARAH L. OVERTON

I, Sarah L. Overton, declare as follows:

1. I am an attorney duly licensed to practice law before the United States District Court, Central District of California, and I am a partner with the law firm of Cummings, McClorey, Davis, Acho & Associates, attorneys for the moving parties in this matter. If called upon as a witness, I would competently testify to the matters stated herein, except for those matters stated upon my information and belief and, to those matters, I believe them to be true.

2. Attached hereto as exhibit 1 is a true and correct copy of the register of actions, *Talens v. Japanese Feast, Inc.*, San Mateo Superior Court case no. 19-CIV-05403. The register of actions is accessible online by case number from the Superior Court of California, County of San Mateo webpage at <https://odyportal-ext.sanmateocourt.org/Portal-External/Home/Dashboard/29>.

3. Attached hereto as exhibit 2 is a true and correct copy of the register of actions, *Ison v. Mercury Insurance*, San Francisco Superior Court case no. 20-CGC-589080. The register of actions is accessible online by case number from the Superior Court of California, County of San Francisco webpage at <https://webapps.sftc.org/ci/CaseInfo.dll?&SessionID=3DE97DF1B14E12A99E36050F8A97737847222D9C>.

4. Attached hereto as exhibit 3 is a true and correct copy of the order and judgment of contempt, *Ison v. Mercury Insurance*, San Francisco Superior Court case no. 20-CGC-589080. The document is accessible via the online register of actions from the Superior Court of California, County of San Francisco webpage at <https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC20589080&SessionID=3DE97DF1B14E12A99E36050F8A97737847222D9C>.

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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed December 13, 2021, at Riverside, California.

4
5 /s/ Sarah L. Overton
6 Sarah L. Overton, Declarant
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PROOF OF SERVICE

I, the undersigned, declare as follows:

I am employed in the County of Riverside, State of California. I am over the age of 18 years, and not a party to the within action. I am an employee of or agent for Cummings, McClorey, Davis, Acho & Associates, P.C., 3801 University Avenue, Suite 560, Riverside, California 92501.

I hereby certify that on December 13, 2021, I electronically filed the foregoing REQUEST FOR JUDICIAL NOTICE; DECLARATION OF SARAH L. OVERTON AND EXHIBITS, with the Clerk of the Court by using the CM/ECF system. I certify that participants in the case that are registered CM/ECF users will receive service that will be accomplished by the appellate CM/ECF system.

Executed on December 13, 2021, in Riverside, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Charmaine Apacible
Charmaine Apacible

EXHIBIT 1

Case Information

19-CIV-05403 | BRENDA TALENS, et al vs. THE JAPANESE FEAST, INC, et al

Case Number
19-CIV-05403
File Date
09/13/2019

Court
Civil Unlimited
Case Type
(22) Unlimited Auto

Judicial Officer
Foiles, Robert D
Case Status
Active

Party

Plaintiff
TALENS, BRENDA

Active Attorneys▼
Lead Attorney
ISON, JAMES J.
Retained

Plaintiff
BARREDO, PRISCILLA L

Active Attorneys▼
Lead Attorney
ISON, JAMES J.
Retained

Plaintiff
BARREDO, ASHLEY DINA-MARIE

Active Attorneys▼
Lead Attorney
ISON, JAMES J.
Retained

Defendant
THE JAPANESE FEAST, INC

Active Attorneys▼
Attorney

Case 2:21-cv-01546-JAM-KJN

Document 22-2

Filed 12/13/21

Page 8 of 75

BALICH, DANIEL G.

Retained

Lead Attorney

DRAKEFORD, TODD P

Retained

Defendant

KAWASHIMA, KENICHI

Active Attorneys▼

Attorney

BALICH, DANIEL G.

Retained

Lead Attorney

DRAKEFORD, TODD P

Retained

Defendant

HERNANDEZ, SAMUEL E

Active Attorneys▼

Attorney

BALICH, DANIEL G.

Retained

Lead Attorney

DRAKEFORD, TODD P

Retained

Defendant

DOES 1-50, INCLUSIVE

Cause of Action

File Date	Cause of Action	Type	Filed By	Filed Against
09/13/2019	Complaint	Action	TALENS, BRENDA BARREDO, PRISCILLA L BARREDO, ASHLEY DINA-MARIE	THE JAPANESE FEAST, INC KAWASHIMA, KENICHI HERNANDEZ, SAMUEL E DOES 1-50, INCLUSIVE

Events and Hearings

09/13/2019 New Filed Case

09/13/2019 Civil Case Cover Sheet ▼

Civil Case Cover Sheet

09/13/2019 Complaint ▼

Complaint

09/13/2019 Summons Issued / Filed ▼

Summons Issued / Filed

09/13/2019 Notice of Case Management Conference ▼

Notice of Case Management Conference

09/13/2019 Cause Of Action ▼

Action	File Date
Complaint	09/13/2019

09/25/2019 Case Management Statement ▼

Case Management Statement

09/25/2019 Answer (Unlimited) ▼

Answer (Unlimited) Answer TO UNVERIFIED COMPLAINT

Comment

Answer TO UNVERIFIED COMPLAINT

09/25/2019 Advanced Jury Fee Defendant Non-Refundable ▼

Advanced Jury Fee Defendant Non-Refundable

10/18/2019 Amended Answer/Response/Denial (No Fee) ▼

Amended Answer/Response/Denial (No Fee) AMENDED ANSWER TO COMPLAINT

Comment

AMENDED ANSWER TO COMPLAINT

01/16/2020 Case Management Statement ▼

Case Management Statement

01/22/2020 Case Management Conference ▼

~CIV Minute Order - Case Management Conference 01/22/2020

Judicial Officer

Scott, Joseph C.

Hearing Time

9:00 AM

Result

Held

01/22/2020 ADR Referral ▼

ADR Referral

ADR Referral

ADR Referral

ADR Referral

Comment

Order to ADR within 21 days

01/22/2020 Master Calendar to set MSC date accordingly and send notice

02/18/2020 Proposed Order Received ▼

Proposed Order Received STIP AND ORDER TO ADR; FWDED TO DEPT 11

Comment

STIP AND ORDER TO ADR; FWDED TO DEPT 11

02/19/2020 Stipulation and Order to ADR ▼

Stipulation and Order to ADR

Judicial Officer

Grandsaert, John L.

05/04/2020 ADR Mediation Scheduled

05/20/2020 Petition to Approve (No Fee) ▼

Petition to Approve (No Fee) Person with a Disability

Comment

Person with a Disability

05/20/2020 Proposed Order Received ▼

Proposed Order Received APPROVING COMPROMISE OF PENDING ACTION SENT TO DEPT 28

Comment

APPROVING COMPROMISE OF PENDING ACTION SENT TO DEPT 28

05/20/2020 Declaration in Support ▼

Declaration in Support OF PETITIONER'S EXPEDITED PETITION TO APPROVE COMPROMISE OF PENDING ACTION FO

Comment

OF PETITIONER'S EXPEDITED PETITION TO APPROVE COMPROMISE OF PENDING ACTION FOR ADULT PERSON WITH DISABILITY.

05/27/2020 Order Approving Compromise Claim/Action ▼

Order Approving Compromise Claim/Action Signed By: HON. JUDGE MIRAM Date Signed: 05/26/20

Comment

Signed By: HON. JUDGE MIRAM Date Signed: 05/26/20

06/09/2020 Declaration in Support ▼

Declaration in Support DECLARATION OF BRYANA MCGUIRK, ESQ. IN SUPPORT OF MOTION TO CONTINUE TRIAL

Comment

DECLARATION OF BRYANA MCGUIRK, ESQ. IN SUPPORT OF MOTION TO CONTINUE TRIAL

06/09/2020 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF M

Comment

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO CONTINUE TRIAL

06/09/2020 Proposed Order Received ▼

Proposed Order Received [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE TRIAL

Comment

[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE TRIAL

06/09/2020 Notice of Motion and Motion to Continue ▼

Notice of Motion and Motion to Continue DEFENDANTS' NOTICE OF MOTION TO CONTINUE TRIAL

Comment

DEFENDANTS' NOTICE OF MOTION TO CONTINUE TRIAL

06/10/2020 Notice of Posting Jury Fees ▼

Notice of Posting Jury Fees

06/15/2020 Proof of Service by SUBSTITUTED SERVICE of ▼

Proof of Service by SUBSTITUTED SERVICE of SUMMONS AND COMPLAINT; CIVIL CASE COVER SHEET BY SERVING

Comment

SUMMONS AND COMPLAINT; CIVIL CASE COVER SHEET BY SERVING REYANA "DOE" OCCUPANT

07/01/2020 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND

Comment

PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' MOTION TO CONTINUE TRIAL

07/01/2020 Declaration in Opposition ▼

Declaration in Opposition DECLARATION OF JAMES J. ISON, ESQ IN SUPPORT OF OPPOSITION TO MOTION TO CO

Comment

DECLARATION OF JAMES J. ISON, ESQ IN SUPPORT OF OPPOSITION TO MOTION TO

07/14/2020 Answer (Unlimited) ▼

Answer (Unlimited) Answer TO COMPLAINT

Comment

Answer TO COMPLAINT

07/15/2020 Motion to Continue Trial Date ▼

Original Type

Motion to Continue Trial Date

~CIV Minute Order - Motion to Continue Trial Date 07/15/2020

Judicial Officer

Karesh, Jonathan E.

Hearing Time

9:00 AM

Result

Held

Comment

DEFENDANTS' NOTICE OF MOTION TO CONTINUE TRIAL

07/15/2020 Tentative ruling adopted and becomes order: ▼

Comment

Defendants' Motion to Continue Trial is GRANTED. The Court finds that the Plaintiff has set forth good cause to continue the trial date. However, the court does not find good cause to continue the trial to March 8, 2021. Instead, the trial is continued to January 19, 2021 at 9 a.m. in the Master Calendar Department. The Mandatory Settlement Conference is set for January 7, 2021 at 9:30 a.m. in Department 11. If the tentative ruling is uncontested, it shall become the order of the Court, pursuant to Rule 3.1308(a)(1), adopted by Local Rule 3.10, effective immediately, and no formal order pursuant to Rule 3.1312 or any other notice is required as the tentative ruling affords sufficient notice to the parties.

07/15/2020 Party appeared by audio and/or video ▼

Comment

Added by automated script

07/16/2020 Notice of Change of Address of Attorney ▼

Notice of Change of Address of Attorney

08/14/2020 Notice of Motion and Motion to Compel ▼

Notice of Motion and Motion to Compel MOTION TO COMPEL INDEPENDENT MEDICAL EXAMINATION, OR IN THE AL

Comment

MOTION TO COMPEL INDEPENDENT MEDICAL EXAMINATION, OR IN THE ALTERNATIVE, TO
CONTINUE THE TRIAL

08/14/2020 Declaration in Support ▼

Declaration in Support OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS MOTION TO
COMPEL INDEPEND

Comment

OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS MOTION TO COMPEL
INDEPENDENT MEDICAL EXAMINATION, OR IN THE ALTERNATIVE, TO CONTINUE THE
TRIAL

08/14/2020 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support DEFENDANTS' MOTION TO COMPEL
INDEPENDENT MEDICAL EXA

Comment

DEFENDANTS' MOTION TO COMPEL INDEPENDENT MEDICAL EXAMINATION, OR IN THE
ALTERNATIVE, TO CONTINUE THE TRIAL

08/14/2020 Proposed Order Received ▼

Proposed Order Received GRANTING DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO ATTEND
INDEPENDAT MEDICAL

Comment

GRANTING DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO ATTEND INDEPENDAT
MEDICAL EXAMINAITON

08/27/2020 Discovery Conference ▼

Original Type

Discovery Conference

~CIV Minute Order - Discovery Conference 08/27/2020

Judicial Officer

Fineman, Nancy L.

Hearing Time

9:00 AM

Result

Held

Comment

Telephonic

08/27/2020 Party appeared by audio and/or video ▼

Comment

Added by automated script

09/09/2020 Evidence ▼

Evidence IS SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

Comment

IS SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

09/09/2020 Motion for Summary Adjudication ▼

Motion for Summary Adjudication DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY ADJUDICATION OF

Comment

DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

09/09/2020 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PR

Comment

OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

09/09/2020 Separate Statement of Undisputed Material Facts ▼

Separate Statement of Undisputed Material Facts AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MO

Comment

AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER OF PUNITIVE DAMAGES

09/09/2020 Declaration in Support ▼

Declaration in Support OF BRYANA S. MCGUIRK OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF ISSUES

Comment

OF BRYANA S. MCGUIRK OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF ISSUES

09/09/2020 Declaration in Support ▼

Declaration in Support OF KENICHI KAWASHIMA OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER

Comment

OF KENICHI KAWASHIMA OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

09/09/2020 Declaration in Support ▼

Declaration in Support OF SAMUEL E. HERNANDEZ OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAY

Comment

OF SAMUEL E. HERNANDEZ OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

09/09/2020 Notice ▼

Notice OF PAYMENT FOR COURT REPORTER FEE

Comment

OF PAYMENT FOR COURT REPORTER FEE

10/07/2020 Motion to Compel Independent Medical Examination ▼

Original Type

Motion to Compel Independent Medical Examination

~CIV Minute Order - Motion to Compel Independent Medical Examination 10/07/2020

Judicial Officer

Fineman, Nancy L.

Hearing Time

1:30 PM

Result

Held

Comment

,OR IN THE ALTERNATIVE, TO CONTINUE THE TRIAL

10/07/2020 Tentative ruling adopted and becomes order: ▼

Comment

DEFENDANT'S MOTION TO COMPEL INDEPENDENT MEDICAL EXAMINATION, OR IN THE ALTERNATIVE, TO CONTINUE THE TRIAL As the moving parties' request, Defendants' Motion to Compel Independent Medical Examination, or in the Alternative, to Continue the Trial, filed 8-14-20, is OFF CALENDAR.

10/07/2020 Party appeared by audio and/or video ▼

Comment

Added by automated script

11/20/2020 Compendium of Index of Exhibits ▼

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Comment

IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION

11/20/2020 Compendium of Index of Exhibits ▼

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Comment

IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION

11/20/2020 Compendium of Index of Exhibits ▼

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Comment

IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION

11/20/2020 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition OF PLAINTIFF BRENDA TALENS' IN OPPOSITION TO DEFE

Comment

OF PLAINTIFF BRENDA TALENS' IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

11/20/2020 Separate Statement of Undisputed Material Facts ▼

Separate Statement of Undisputed Material Facts IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJU

Comment

IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION

11/20/2020 Declaration ▼

Declaration OF BRENDA TALENS

Comment

OF BRENDA TALENS

11/20/2020 Declaration ▼

Declaration OF PRESCILLA BARREDO

Comment

OF PRESCILLA BARREDO

11/20/2020 Declaration in Support ▼

Declaration in Support OF JAMES J. ISON OF PLAINTIFF BRENDA TALENS' OPPOSITION TO DEFENDANTS' MOTION

Comment

OF JAMES J. ISON OF PLAINTIFF BRENDA TALENS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION

11/20/2020 Request for Judicial Notice ▼

Request for Judicial Notice PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

Comment

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

11/20/2020 Objections to Evidence ▼

Objections to Evidence PLAINTIFF'S OBJECITONS TO DEFENDANTS' EVIDENCE IN SUPPORT OF OPPOSITION TO DE

Comment

PLAINTIFF'S OBJECITONS TO DEFENDANTS' EVIDENCE IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

11/23/2020 Proposed Order Received ▼

Proposed Order Received STIPULATION TO CONTINUE TRIALFWD TO DEPT. 1

Comment

STIPULATION TO CONTINUE TRIAL FWD TO DEPT. 1

11/24/2020 Stipulation & Order ▼

Stipulation & Order Type: TO CONTINUE TRIAL Signed by: JUDGE DAVIS Date Signed: 11/23/20 COPY FWD TO

Comment

Type: TO CONTINUE TRIAL Signed by: JUDGE DAVIS Date Signed: 11/23/20 COPY FWD TO MASTER CALENDAR

11/24/2020 Notice of Hearing re ▼

Notice of Hearing re

11/24/2020 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support OF HER REQUEST FOR AMENDED ORDER APPROVING HER PETIT

Comment

OF HER REQUEST FOR AMENDED ORDER APPROVING HER PETITION TO APPROVE COMPROMISE OF ADULT PERSONS WITH DISBILITY

11/24/2020 Declaration ▼

Declaration OF PETITIONER PRISCILLA BARREDO

Comment

OF PETITIONER PRISCILLA BARREDO

11/24/2020 Declaration ▼

Declaration OF JAMES J. ISON

Comment

OF JAMES J. ISON

11/24/2020 Proposed Order Received ▼

Proposed Order Received [PROPOSED] AMENDED ORDER APPROVING COMPROMISE OF PENDING ACTION INVOLVING AD

Comment

[PROPOSED] AMENDED ORDER APPROVING COMPROMISE OF PENDING ACTION INVOLVING ADULT PERSON WITH DISABILITY FWD TO DEPT. 28

11/25/2020 Notice of Errata ▼

Notice of Errata

11/25/2020 Proposed Order Received ▼

Proposed Order Received ON PLAINTIFF'S OBJECTIONS TO DEFENDANTS EVIDENCE FILED IN SUPPORT OF ITS MOT

Comment

ON PLAINTIFF'S OBJECTIONS TO DEFENDANTS EVIDENCE FILED IN SUPPORT OF ITS MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

11/30/2020 Amended Order ▼

Amended Order APPROVING COMPROMISE OF PENDING ACTION INVOLVING ADULT PERSON WITH DISABILITYSigned b

Comment

APPROVING COMPROMISE OF PENDING ACTION INVOLVING ADULT PERSON WITH DISABILITY Signed by Judge Miram On 11/25/2020

11/30/2020 Memorandum of Points and Authorities in Reply ▼

Memorandum of Points and Authorities in Reply IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF PRAYE

Comment

IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF PRAYERFOR PUNATIVE DAMAGES

11/30/2020 Memorandum of Points and Authorities in Reply ▼

Memorandum of Points and Authorities in Reply TO PLAINTIFF'S SEPARATE STATEMENT OF ADDITIONAL MATERI

Comment

TO PLAINTIFF'S SEPARATE STATEMENT OF ADDITIONAL MATERIAL FACTS

11/30/2020 Declaration in Support ▼

Declaration in Support REBUTTAL DECLARATION OF MICHAEL G. THOMAS IN SUPPORT OF MOTION FOR SUMMARY AD

Comment

REBUTTAL DECLARATION OF MICHAEL G. THOMAS IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNATIVE DAMAGES

11/30/2020 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S EVIDENCE SUBMITTED IN OPPOSITION T

Comment

TO PLAINTIFF'S EVIDENCE SUBMITTED IN OPPOSITION TO MOTION FOR SUMMARY ADJUDICATIONOF PRAYER FOR PUNATIVE DAMAGES

11/30/2020 Proof of Service - ELECTRONIC of ▼

Proof of Service - ELECTRONIC of DEFENDATNS' REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT O

Comment

DEFENDATNS' REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNATIVE DAMAGES

12/04/2020 Motion for Summary Adjudication of Issues ▼

Original Type

Motion for Summary Adjudication of Issues

~CIV Minute Order - Motion for Summary Adjudication of Issues 12/04/2020

Judicial Officer

Fineman, Nancy L.

Hearing Time

1:30 PM

Result

Held

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

12/04/2020 Tentative ruling adopted and becomes order: ▼

Comment

MOTION FOR SUMMARY ADJUDICATION OF ISSUES Plaintiffs' Request for Judicial Notice is DENIED. Defendants' objections to Plaintiff's evidence are ruled upon as follows: Objection 1: SUSTAIN as to the bolded language "But that does not mean that he did not have one in his hand" on the basis of speculation. It is unclear if Defendants are objecting to the remainder of the sentence. If they are, the objection is OVERRULED. Objection 2: SUSTAIN as to the bolded language "I presumed based on what I saw that he had crashed into us because he talking (sic) on his cell phone and not paying attention to the road on the basis of speculation. OVERRULED as to the rest of the objection. Objection 3: SUSTAIN as to Plaintiffs' Exhibit N on the basis of hearsay, lack of foundation, lack of personal knowledge. Objection 4: SUSTAIN as to Plaintiff's Exhibit M on the basis of hearsay, lack of foundation, lack of personal knowledge. Plaintiffs' objections to evidence are OVERRULED. Defendants' Motion for Summary Adjudication of Prayer for Punitive Damages is DENIED as to Hernandez and GRANTED as to Defendants The Japanese Feast, Inc. and Kenichi Kawashima. Punitive damages may be awarded in an action not arising from breach of contract "where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice." Civ. Code 3294(a). There are questions of material fact which would allow a reasonable jury to find that Defendant Hernandez acted with oppression, fraud, or malice. There are material facts in dispute on when the accident occurred and whether Defendant Hernandez was on his cell phone at the time of the accident. The CHP officer who prepared the report which states that the accident occurred at 10:30 a.m. has no personal knowledge of when the accident occurred. Defendant Hernandez, by Defendants' own evidence, was on the telephone at 10:31 a.m. Defendants' Exhibit C (cell phone records). Plaintiff looked back immediately after the accident and saw Hernandez's mouth moving. UMF 33 (the Court disregards her speculation that he was on the phone-that is an inference that a jury could draw from the evidence, but not established by Plaintiff's testimony). Passenger Barredo estimates that she called 911 within 10 seconds of the accident. UMF 35. The CHP officer arrived on the scene at "approximately 1035 hours", i.e. 10:35 a.m.. UMF 43. While the jury may believe Hernandez that he was not on his cell phone at the time he hit Plaintiff's car, for purposes of summary judgment, the Court cannot find that it is undisputed that he was not on his cell phone. The time period is simply too short to say that as a matter of law, Hernandez was not on his cell phone. The use of a cell phone while driving is against the law. Veh. Code 23123. A blatant violation of law can justify punitive damages. *Flyer's Body Shop Profit Sharing Plan v. Ticor Title Ins. Co.* (1986) 185 Cal.App.3d 1149, 1154. Thus, there is a basis for a reasonable jury to find by clear and convincing evidence that Hernandez acted in conscious disregard of the law by driving while talking on a cell phone. See CACI 3940. It is a question of fact of whether the use of a cell phone while driving is such a blatant violation of law to justify punitive damages. Defendants rely on *Lackner v. North* (2006) 135 Cal.App.4th 1188, 1213, a skiing accident case, for the proposition that Hernandez's conduct in speeding, like the defendant in *Lackner*, could not be a basis for despicable conduct. However, in *Lackner*, there was no alleged

Case 2:21-cv-01546-JAM-KJN Document 22-2 Filed 12/13/21 Page 22 of 75

violation of law as alleged in this case. The Court, however, finds that even if Hernandez lied to the CHP about his cell phone use, that fact does not demonstrate that Hernandez lied in order to hurt Plaintiff. CACI 3940. By the time, he made the alleged lie, Plaintiff had already been injured. Further, the Court finds that there is no competent evidence to show that Defendant Kawashima instructed Hernandez to lie. Both Kawashima and Hernandez deny that allegation. Hernandez Decl. paragraphs 4, 6; Kawashima Decl. paragraph 4. That evidence then shifted the burden to Plaintiff to show a disputed fact, but Plaintiff has introduced no evidence to the contrary. UMF 21. Plaintiff contends that Defendants were conducting company business while on the highway, Plaintiff's Opposition at 2:16, but she offers no evidence either in her brief, the opposition to Defendants' Separate Statement or her own Separate Statement to support this allegation. Therefore, there are no facts in dispute to demonstrate that Defendants Japanese Feast or Kawashima could be liable for punitive damages. See CACI 3943.

12/04/2020 Party appeared by audio and/or video ▼

Comment

Added by automated script

12/15/2020 Notice of Assignment for All Purposes ▼

Notice of Assignment for All Purposes

12/16/2020 Notice of Assignment for All Purposes ▼

Notice of Assignment for All Purposes

12/18/2020 Notice of Hearing re ▼

Notice of Hearing re

Comment

Trial Setting Conference - 3/9/2021 in Dept. 4 SSF

12/22/2020 Trial Setting Conference ▼

Judicial Officer

Grandsaert, John L.

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

PER ORDER FILED ON 11/24/20

12/28/2020 Peremptory Challenge Pursuant to CCP 170.6 Against ▼

Peremptory Challenge Pursuant to CCP 170.6 Against Judicial Officer

Judicial Officer

Fineman, Nancy L.

Comment

Judicial Officer

12/31/2020 Order Denying ▼

Order Denying PEREMPTORY CHALLENGE

Comment

PEREMPTORY CHALLENGE

01/07/2021 Mandatory Settlement Conference ▼

Judicial Officer

Mandatory Settlement Conferences, -

Hearing Time

9:30 AM

01/07/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

01/19/2021 Jury Trial ▼

Judicial Officer

Davis, III, Leland

Hearing Time

9:00 AM

Cancel Reason

Vacated

01/19/2021 Notice of Motion and Motion for Reconsideration ▼

Notice of Motion and Motion for Reconsideration

01/19/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support

01/19/2021 Declaration in Support ▼

Declaration in Support

01/26/2021 Discovery Conference ▼

Original Type

Discovery Conference

~CIV Minute Order - Discovery Conference 01/26/2021

Judicial Officer

Halperin, Ernst A.

Hearing Time

2:00 PM

Result

Held

Comment

Informal Discovery Conference - 1 HOUR (Includes both plaintiff and defendant's requests)

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

01/26/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

02/02/2021 Amended Notice of Motion and Motion to ▼

Amended Notice of Motion and Motion to RECONSIDERATION

Comment

RECONSIDERATION

02/02/2021 Proof of Service - ELECTRONIC of ▼

Proof of Service - ELECTRONIC of PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR RECONSIDERATION; ETC...

Comment

PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR RECONSIDERATION; ETC... served on SEE SERVICE LIST

02/17/2021 Declaration in Support ▼

Declaration in Support OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS??? MOTION FOR ?? 128.5 SA

Comment

OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS??? MOTION FOR ?? 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION

02/17/2021 Motion ▼

Motion DEFENDANTS' NOTICE OF MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED ME

<div>Comment</div> <div>02/17/2021 Proposed Order Received</div> <div>DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION</div> <div>Proposed Order Received GRANTING DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION</div> <div>Comment</div> <div>GRANTING DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION</div>
<div>02/17/2021 Memorandum of Points and Authorities in Support ▼</div> <div>Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD F</div> <div>Comment</div> <div>OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION</div>
<div>02/18/2021 Case Management Statement ▼</div> <div>Case Management Statement</div>
<div>02/22/2021 Motion for Reconsideration ▼</div> <div>Judicial Officer Karesh, Jonathan E.</div> <div>Hearing Time 9:00 AM</div> <div>Cancel Reason Vacated</div>
<div>03/02/2021 Case Management Statement ▼</div> <div>Case Management Statement</div>
<div>03/09/2021 Trial Setting Conference ▼</div> <div>Hearing Time 9:30 AM</div> <div>Cancel Reason Vacated</div>
<div>03/10/2021 Discovery Conference ▼</div> <div>Original Type Discovery Conference</div> <div>~CIV Minute Order - Discovery Conference 03/10/2021</div> <div>Judicial Officer Halperin, Ernst A.</div>

Hearing Time

2:00 PM

Result

Held

Comment

*Informal Discovery Conference

03/10/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

03/12/2021 Motion for Reconsideration ▼

Original Type

Motion for Reconsideration

~CIV Minute Order - Motion for Reconsideration 03/12/2021

Judicial Officer

Karesh, Jonathan E.

Hearing Time

9:00 AM

Result

Held

03/12/2021 Case ordered off calendar

03/12/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

03/17/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition TO DEFENDANT'S MOTION FOR MONETARY SANCTIONS

Comment

TO DEFENDANT'S MOTION FOR MONETARY SANCTIONS

03/17/2021 Declaration in Opposition ▼

Declaration in Opposition OF JAMES J. ISON IN OPPOSITION TO DEFENDANTS' MOTION FOR SANCTIONS

Comment

OF JAMES J. ISON IN OPPOSITION TO DEFENDANTS' MOTION FOR SANCTIONS

03/17/2021 Request for Judicial Notice ▼

Request for Judicial Notice IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION FOR SANCTIONS

Comment

IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION FOR SANCTIONS

03/25/2021 Order ▼

Order Order by Dept 20 on 3/25/21

Comment

Order by Dept 20 on 3/25/21

03/29/2021 Supplemental ▼

Supplemental PLAINTIFF BRENDA TALENS SUPPLEMENTAL BRIEF REGARDING NEW EVIDENCE OF IN OPPOSITION TO D

Comment

PLAINTIFF BRENDA TALENS SUPPLEMENTAL BRIEF REGARDING NEW EVIDENCE OF IN OPPOSITION TO DEFENDANT'S MOTION FOR MONETARY SANCTIONS

03/30/2021 Motion for Order ▼

Original Type

Motion for Order

~CIV Minute Order - Motion for Order 03/30/2021

Judicial Officer

Fineman, Nancy L.

Hearing Time

2:00 PM

Result

Held

Comment

SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION

03/30/2021 Tentative ruling adopted and becomes order: ▼

Comment

Since the Hon. Nancy L. Fineman has been disqualified in this matter, the motion is OFF CALENDAR. The moving party should re-notice the motion before the newly assigned judge. - 3 -

03/30/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

04/09/2021 Notice of Reassignment for All Purposes ▼

Notice of Reassignment for All Purposes

04/26/2021 Notice of Motion and Motion to Compel ▼

Notice of Motion and Motion to Compel PLAINTIFF BRENDA TALEN'S MOTION TO COMPEL FURTHER RESPONSES, P

Comment

PLAINTIFF BRENDA TALEN'S MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLAINT PRIVILEGE LOG FROM DEFENDANT KENICHI KAWASHIMA; MOTION FOR MONETARY SANCTIONS

04/26/2021 Statement ▼

Statement PLAINTIFF BRENDA TALEN'S STATEMENT OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND RESPONSES I

Comment

PLAINTIFF BRENDA TALEN'S STATEMENT OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND RESPONSES IN DISPUTE IN SUPPORT OF HER MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLAINT PRIVILEGE LOG FROM DEFENDANT KENICHI KAWASHIMA

04/26/2021 Declaration in Support ▼

Declaration in Support DECLARATION OF JAMES J. ISON IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL FURTH

Comment

DECLARATION OF JAMES J. ISON IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLAINT PRIVILEGE LOG

04/26/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALEN'S MEMORANDUM OF POINTS AND AU

Comment

PLAINTIFF BRENDA TALEN'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLAINT PRIVILEGE LOG; MOTION FOR MONETARY SANCTIONS

04/28/2021 Notice ▼

Notice OF CHANGE OF HANDLING ATTORNEY

Comment

OF CHANGE OF HANDLING ATTORNEY

05/18/2021 Declaration in Opposition ▼

Declaration in Opposition DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF DEFENDANTS' OPPOSITIO

Comment

DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES PRODUCTION
OF DOCUMENTS AND CODE-COMPLIANT PRIVILEGE LOG

05/18/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION TO C

Comment

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES
PRODUCTION OF DOCUMENTS AND CODE-COMPLIANT PRIVILEGE LOG

05/21/2021 Memorandum of Points and Authorities in Reply ▼

Memorandum of Points and Authorities in Reply PLAINTIFF BRENDA TALENS' REPLY BRIEF IN
SUPPORT OF MOT

Comment

PLAINTIFF BRENDA TALENS' REPLY BRIEF IN SUPPORT OF MOTION TO COMPEL FURTHER
RESPONSES AND PRIVILEGE LOG.

05/21/2021 Declaration in Support ▼

Declaration in Support SUPPLEMENTAL DECLARATION OF JAMES J. ISON IN SUPPORT OF
PLAINTIFF'S MOTION TO

Comment

SUPPLEMENTAL DECLARATION OF JAMES J. ISON IN SUPPORT OF PLAINTIFF'S MOTION
TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS AND CODE-
COMPLAINT PRIVILEGE LOG

05/24/2021 Discovery Conference ▼

Original Type

Discovery Conference

~CIV Minute Order - Discovery Conference 05/24/2021

Judicial Officer

Halperin, Ernst A.

Hearing Time

2:00 PM

Result

Held

Comment

***Informal Discovery Conference**

05/24/2021 Party appeared by audio and/or video ▼

Comment

ALL PARTIES

05/26/2021 Notice of Withdrawal ▼

Notice of Withdrawal OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDU

Comment

OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED MEDIATION

05/28/2021 Motion to Compel ▼

Original Type

Motion to Compel

~CIV Minute Order - Motion to Compel 05/28/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Comment

PLAINTIFF BRED TALEN'S MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLIANCE PRIVILEGE LOG FROM DEFENDANT KENICHI KAWASHIMA; MOTION FOR MONETARY SANCTIONS

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

05/28/2021 Party appeared by audio and/or video ▼

Comment

Added by automated script

06/01/2021 Notice of Case Management and Trial Setting Conference ▼

Notice of Case Management and Trial Setting Conference on 07/26/21 at 9:00 am.

Comment
on 07/26/21 at 9:00 am.

07/06/2021 Declaration ▼

Declaration DECLARATION OF JAMES J. ISON

Comment
DECLARATION OF JAMES J. ISON

07/06/2021 Notice of Motion and Motion to Compel Further Responses ▼

Notice of Motion and Motion to Compel Further Responses PLAINTIFF BRENDA TALENS' MOTION TO COMPEL FU

Comment
PLAINTIFF BRENDA TALENS' MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLIANCE PRIVILEGE LOG FROM DEFENDANT KENICHI KAWASHIMA; MOTION FOR MONETARY SANCTION

07/06/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Comment
PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR MONETARY SANCTIONS AGAINST KERN SEGAL & MURRAY, PHILLIP A. SEGAL, AND BRYANA S. MCGUIRK PER CODE OF CIVIL PROCEDURES 128.5

07/12/2021 Case Management Statement ▼

Case Management Statement

07/13/2021 Case Management Statement ▼

Case Management Statement

07/13/2021 Amended Notice of Motion and Motion to ▼

Amended Notice of Motion and Motion to PLAINTIFF BRENDA TALENS' MOTION AND FIRST AMENDED NOTICE OF M

Comment
PLAINTIFF BRENDA TALENS' MOTION AND FIRST AMENDED NOTICE OF MOTION FOR MONETARY SANCTIONS AGAINST KERN SEGAL & MURRAY, PHILLIP A. SEGAL AND BRYANA S. MCGUIRK PURSUANT TO CODE OF CIVIL PROCEDURE 128.5

07/20/2021 Informal Discovery Conference ▼

Original Type

Informal Discovery Conference

~CIV Minute Order - Informal Discovery Conference 07/20/2021

Judicial Officer

Halperin, Ernst A.

Hearing Time

2:00 PM

Result

Held

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

07/22/2021 Case Management Statement ▼

Case Management Statement

07/22/2021 Declaration in Opposition ▼

Declaration in Opposition DECLARATION OF TODD P. DRAKEFORD, ESQ, IN SUPPORT OF DEFENDANTS' OPPOSITIO

Comment

DECLARATION OF TODD P. DRAKEFORD, ESQ, IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS AGAINST KERN SEGAL & MURRAY, PHILIP A. SEGAL AND BRYANA S. MCGUIRK PER CODE OF CIVIL PROCEDURE 128.5 SANCTIONS

07/22/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT O

Comment

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS'

OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS AGAINST KERN SEGAL & MURRAY,
PHILIP A. SEGAL AND BRYANA S. MCGUIRK PER CODE OF CIVIL PROCEDURE 128.5
SANCTIONS

07/26/2021 Case Management and Trial Setting Conference ▼

Original Type

Case Management and Trial Setting Conference

~CIV Minute Order - Case Management and Trial Setting Conference 07/26/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

07/26/2021 Party appeared by audio and/or video

07/26/2021 Request for Judicial Notice ▼

Request for Judicial Notice FIRST SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT
OF PLAINTIFF'S

Comment

FIRST SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S
MOTION FOR SANCTIONS PURSUANT TO CODE OF CIVIL PROCEDURES 128.5

07/29/2021 Notice of Motion and Motion to Compel ▼

Notice of Motion and Motion to Compel PLAINTIFF BRENDA TALENS' NOTICE OF MOTION AND MOTION TO COMPEL

Comment

PLAINTIFF BRENDA TALENS' NOTICE OF MOTION AND MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS [CCP 2023.010; 2023.030]

07/29/2021 Request for Judicial Notice ▼

Request for Judicial Notice PLAINTIFF BRENDA TALENS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTIO

Comment

PLAINTIFF BRENDA TALENS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN ENGLISH [EVID. CODE 452(D)]

07/29/2021 Declaration ▼

Declaration OF JAMES J. ISON

Comment

OF JAMES J. ISON

07/29/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Comment

PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL SAMUEL HERNANDEZ TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

07/30/2021 Notice of Mandatory Settlement Conference and Jury Trial ▼

Notice of Mandatory Settlement Conference and Jury Trial & Pretrial Conference

Comment

& Pretrial Conference

07/30/2021 Notice of Mandatory Settlement Conference ▼

Notice of Mandatory Settlement Conference on 01/21//22 at 9:00 am in SSF.

Comment

on 01/21//22 at 9:00 am in SSF.

07/30/2021 Memorandum of Points and Authorities in Reply ▼

Memorandum of Points and Authorities in Reply PLAINTIFF'S REPLY BRIEF

Comment

PLAINTIFF'S REPLY BRIEF

07/30/2021 Declaration in Support ▼

Declaration in Support DECLARATION OF JAMES J. ISON IN SUPPORT OF REPLY BRIEF

Comment

DECLARATION OF JAMES J. ISON IN SUPPORT OF REPLY BRIEF

08/02/2021 Request for Judicial Notice ▼

Request for Judicial Notice IN SUPPORT OF MOTION FOR SANCTIONS

Comment

IN SUPPORT OF MOTION FOR SANCTIONS

08/02/2021 Notice of Errata ▼

Notice of Errata

08/05/2021 Informal Discovery Conference ▼

Original Type

Informal Discovery Conference

~CIV Minute Order - Informal Discovery Conference 08/05/2021

Judicial Officer

Halperin, Ernst A.

Hearing Time

2:00 PM

Result

Held

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

08/05/2021 Party appeared by audio and/or video

08/06/2021 Motion to Compel Further ▼

Original Type

Motion to Compel Further

~CIV Minute Order - Motion to Compel Further 08/06/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Comment

PLAINTIFF BRENDA TALENS' MOTION TO COMPEL FURTHER RESPONSES, PRODUCTION OF DOCUMENTS, AND CODE-COMPLIANCE PRIVILEGE LOG FROM DEFENDANT KENICHI KAWASHIMA; MOTION FOR MONETARY SANCTION

Parties Present ▲

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

08/06/2021 Matter is called at: ▼

Comment

9:24 am.

08/06/2021 Party appeared by audio and/or video

08/06/2021 Tentative ruling adopted and becomes order: ▼

Comment

At 9:27 am: The Motion of Plaintiff Brenda Talens ("Plaintiff") for Sanctions Against Kern, Segal & Murray, Phillip A. Segal and Bryana S. McGuirk (collectively "KSM") Per Code of Civil Procedure Section 128.5, is DENIED for failure to establish compliance with the 21-day safe harbor provision before filing this motion. (See Code of Civ. Proc. 128.5(f)(1)(B); see also Nutrition Distribution LLC v. Southern Sarms, Inc. (2018) 20 Cal.App.5th 117, 129 [Legislature amended section 128.5(f) to import the conditions and procedures contained in C.C.P. section 128.7(c), including the 21-day safe harbor provision]; see also Changsha Metro Group Co., Ltd. v. Peng Xufeng (2020) 57 Cal.App.5th 1, 17-18 [21-day safe harbor provision applies unless it would be impractical.) The

Case 2:21-cv-01546-JAM-KJN Document 22-2 Filed 12/13/21 Page 37 of 75

challenged action or tactic upon which Plaintiff bases this Motion is Defendants' February 17, 2021 filing of a motion for section 128.5 sanctions against Plaintiff for bad faith participation in scheduled mediation. Plaintiff fails to address this 21-day safe harbor provision, and furthermore fails to demonstrate that compliance with this provision was impractical. Plaintiff's First Supplemental Request for Judicial Notice is GRANTED. Defendants' Request for Sanctions is DENIED.

08/27/2021 Declaration in Opposition ▼

Declaration in Opposition TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

Comment

TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

08/27/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND M

Comment

TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

08/31/2021 Request for Judicial Notice ▼

Request for Judicial Notice IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO TESTIFY IN

Comment

IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

08/31/2021 Notice of Related Case ▼

Notice of Related Case 21-CV-01546IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIF

Comment

21-CV-01546 IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

09/02/2021 Memorandum of Points and Authorities in Reply ▼

Memorandum of Points and Authorities in Reply IN SUPPORT OF MOTION TO COMPEL SAMUEL HERNANDEZ TO TE

Comment

IN SUPPORT OF MOTION TO COMPEL SAMUEL HERNANDEZ TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

09/02/2021 Request for Judicial Notice ▼

Request for Judicial Notice IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN

Comment

09/10/2021 Request for Judicial Notice
IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN
ENGLISH

Request for Judicial Notice IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL
HERNANDEZ TO TESTIFY IN

Comment

IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN
ENGLISH

09/10/2021 Motion to Compel ▼

Original Type

Motion to Compel

~CIV Minute Order - Motion to Compel 09/10/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Comment

PLAINTIFF BRENDA TALENS' NOTICE OF MOTION AND MOTION TO COMPEL DEFENDANT
SAMUEL HERNANDEZ TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS [CCP 2023.010;
2023.030]

Parties Present ▲

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Plaintiff

Attorney: ISON, JAMES J.

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

Defendant

Attorney: DRAKEFORD, TODD P

09/10/2021 Matter is called at: ▼

Comment

9:29 am.

09/10/2021 Party appeared by audio and/or video

09/10/2021 Argument presented by counsel. Matter submitted.

09/10/2021 Tentative ruling adopted and becomes order: ▼

Comment

Plaintiff's motion to compel Defendant Samuel Hernandez to give deposition testimony in English is DENIED for the reasons set forth below. On June 1, 2021, Plaintiff's counsel re-noticed the deposition of Mr. Hernandez. The deposition notice states: "Plaintiff has been informed by the deponent's attorney an interpreter who speaks Spanish will be required for the deponent; therefore, an interpreter who speaks Spanish will be provided to the deponent by Continental Interpreting." Drakeford Decl., p.3; Exhibit I. On June 8, 2021, two days before the scheduled deposition, Plaintiff's counsel sent an email to defense counsel stating that provision of an interpreter was contingent on Mr. Hernandez not being able to speak English. Plaintiff's counsel again inquired whether Mr. Hernandez needed an interpreter, and defense counsel confirmed that Mr. Hernandez required a translator, noting that Spanish is Mr. Hernandez's first language. Ison Decl., Ex. R. Plaintiff filed the present motion to compel Mr. Hernandez to testify in English following the parties' unsuccessful attempt to resolve their dispute at an informal discovery conference. Plaintiff contends Mr. Hernandez should be compelled to testify in English because his responses to interrogatories and other court records demonstrate that Mr. Hernandez is capable of speaking English. Notably, however, the examples of Mr. Hernandez's statements provided by Plaintiff demonstrate that, at the least, Mr. Hernandez does not employ proper grammar when speaking English, raising the question of whether Mr. Hernandez is able to express "himself . . . in the English language so as to be understood directly by counsel, court, and jury" under Cal. Evid. Code 752. Accordingly, Plaintiff has provided insufficient evidence to demonstrate - to any degree of certainty - that Mr. Hernandez is capable of fully understanding, or adequately communicating responses to, questions posed to him in English. Additionally, Plaintiff has provided no explanation as to how Plaintiff will be prejudiced by the provision of an interpreter during Mr. Hernandez's deposition. Plaintiff does not dispute that English is not Mr. Hernandez's native language. Ultimately, Plaintiff has provided no reason to doubt that the presence of an interpreter would assist both parties in obtaining clear testimony from Mr. Hernandez. Plaintiff's request for judicial notice is GRANTED pursuant to Evid. Code 452(d). Judicial notice is taken of the documents' filing/recording, contents, and legal effect, but not the truth of allegations therein. The parties' requests for sanctions are DENIED. If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

09/10/2021 Motion denied. ▼

Comment

Moving party: Plaintiff Motion title: Request for Conditional Exam denied without prejudice.

09/10/2021 Request ▼

Request PLAINTIFF'S REQUEST FOR EXAMINATION OF DEFENDANT SAMUEL HERNANDEZ PURSUANT TO STANDARD 2.10

Comment

PLAINTIFF'S REQUEST FOR EXAMINATION OF DEFENDANT SAMUEL HERNANDEZ PURSUANT TO STANDARD 2.10 OF THE STANDARDS OF JUDICIAL ADMINISTRATION

09/21/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support OF MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FO

Comment

OF MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS;ETC...

09/21/2021 Declaration ▼

Declaration OF JAMES J. ISON

Comment

OF JAMES J. ISON

09/21/2021 Statement ▼

Statement OF REQUESTS FOR ADMISSIONS AND RESPONSES IN DISPUTE

Comment

OF REQUESTS FOR ADMISSIONS AND RESPONSES IN DISPUTE

09/21/2021 Notice of Motion and Motion to Compel ▼

Notice of Motion and Motion to Compel DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO REQ

Comment

DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO REQUEST FOR ADMISSIONS, SET THREE AND MONETARY SANCTIONS

09/21/2021 Notice of Motion and Motion to Compel Further Responses ▼

Notice of Motion and Motion to Compel Further Responses PLAINTIFF BRENDA TALENS' MOTION AND NOTICE O

Comment

PLAINTIFF BRENDA TALENS' MOTION AND NOTICE OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO FORM INTERROGATORIES, SET TWO AND MONETARY SANCTIONS

09/21/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Comment

PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORIES, SET TWO AND MONETARY SANCTIONS [CCP 2023.010]

09/21/2021 Statement ▼

Statement PLAINTIFF BRENDA TALENS' STATEMENT OF FORM INTERROGATORIES AND
RESPONSES IN DISPUTE IN DIS

Comment

PLAINTIFF BRENDA TALENS' STATEMENT OF FORM INTERROGATORIES AND RESPONSES
IN DISPUTE IN DISPUTE [CRC 3.1345]

09/21/2021 Declaration ▼

Declaration DECLARATION OF JAMES J. ISON

Comment

DECLARATION OF JAMES J. ISON

10/14/2021 Informal Discovery Conference ▼

Judicial Officer

Fineman, Nancy L.

Hearing Time

2:00 PM

Cancel Reason

Vacated

10/25/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO COMPEL
FURTHER RESPONSES

Comment

TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM
INTERROGATORIES, SET TWO AND MONETARY SANCTIONS

10/25/2021 Separate Statement ▼

Separate Statement IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES
TO FORM INTERROGA

Comment

IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM
INTERROGATORIES, SET TWO AND MONETARY SANCTIONS

10/26/2021 Declaration in Opposition ▼

Declaration in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM
INTERROGATORIES,

Comment

TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM
INTERROGATORIES, SET TWO AND MONETARY SANCTIONS

10/26/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition DEFENDANTS' RESPONSE TO PLAINTIFF'S

STATEMENT OF

Comment

DEFENDANTS' RESPONSE TO PLAINTIFF'S STATEMENT OF REQUEST FOR ADMISSIONS,
SET THREE AND RESPONSES IN DISPUTE

10/26/2021 Memorandum of Points and Authorities in Opposition ▼

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO COMPEL
FURTHER RESPONSES

Comment

TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR
ADMISSIONS

10/26/2021 Declaration in Opposition ▼

Declaration in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO
REQUESTS FOR ADMISSIO

Comment

TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR
ADMISSIONS

10/26/2021 Notice ▼

Notice OF FILING PROOF OF SERVICE

Comment

OF FILING PROOF OF SERVICE

10/29/2021 Plaintiff's Brief re: ▼

Plaintiff's Brief re: REPLY

Comment

REPLY

10/29/2021 Declaration ▼

Declaration OF JAMES J. ISON

Comment

OF JAMES J. ISON

11/05/2021 Motion to Compel ▼

Original Type

Motion to Compel

~CIV Minute Order - Motion to Compel 11/05/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Comment

DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO REQUEST FOR ADMISSIONS, SET THREE AND MONETARY SANCTIONS

11/05/2021 Motion to Compel Further ▼

Original Type

Motion to Compel Further

~CIV Minute Order - Motion to Compel Further 11/05/2021

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Result

Held

Comment

PLAINTIFF BRENDA TALENS' MOTION AND NOTICE OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO FORM INTERROGATORIES, SET TWO AND MONETARY SANCTIONS

11/05/2021 Matter is called at: ▼

Comment

9:03 am

11/05/2021 No appearance by any parties or their counsel of record.

11/05/2021 Tentative ruling adopted and becomes order: ▼

Comment

Motion to Compel Further Responses to RFA's: Plaintiff's Motion to Compel Defendant to Provide Further Responses to Requests for Admissions, Set Three is GRANTED as to No.'s 29, 30, 34, 35, 36, 37, 38, 39, and 41 pursuant to Cal. Code of Civ. Proc. 2033.290(a). Defendant's Objections are OVERRULED as to those. Defendant's objections are SUSTAINED as to NO.'s 32, 33, and 40. The imposition of sanctions would be unjust in these circumstances, and Plaintiff's request for sanctions pursuant to Cal. Code of Civ. Proc. 2030.300 and 2033.290 is DENIED. If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

11/05/2021 Matter is called at: ▼

Comment

9:03 am

11/05/2021 No appearance by any parties or their counsel of record.

11/05/2021 Tentative ruling adopted and becomes order: ▼

Comment

Motion to Compel Further Responses to Form Interrogatories: Plaintiff's Motion to Compel Defendant to Provide Further Responses to Form Interrogatories, Set Two is GRANTED pursuant to Cal. Code of Civ. Proc. 2030.300(a). Defendant's Objections are OVERRULED. The imposition of sanctions would be unjust in these circumstances, and Plaintiff's request for sanctions pursuant to Cal. Code of Civ. Proc. 2030.300 and 2033.290 is DENIED. If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the California Rules of Court.

11/05/2021 Memorandum of Points and Authorities in Support ▼

Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Comment

OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

11/05/2021 Separate Statement of Undisputed Material Facts ▼

Separate Statement of Undisputed Material Facts AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MO

Comment

AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

11/05/2021 Evidence ▼

Evidence IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Comment

IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

11/05/2021 Declaration in Support ▼

Declaration in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Comment

OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

11/05/2021 Declaration in Support ▼

Declaration in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Comment

OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Case 2:21-cv-01546-JAM-KJN Document 22-2 Filed 12/13/21 Page 45 of 75

11/05/2021 Motion for Summary Judgment and Alternative Motion for ▼

Motion for Summary Judgment and Alternative Motion for Summary Adjudication

Comment

Summary Adjudication

01/21/2022 Mandatory Settlement Conference ▼

Judicial Officer(s)

Mandatory Settlement Conferences, -, Fineman, Nancy L., Chou, Danny Y.

Hearing Time

9:00 AM

01/21/2022 Motion for Summary Judgment ▼

Judicial Officer

Foiles, Robert D

Hearing Time

9:00 AM

Comment

OR IN THE ALTERNATIVE SUMMARY ADJUDICATION

02/07/2022 Pretrial Conference ▼

Judicial Officer

Foiles, Robert D

Hearing Time

10:00 AM

02/22/2022 Jury Trial ▼

Judicial Officer

Foiles, Robert D

Hearing Time

2:00 PM

Comment

Time estimate- 7 days

Financial

TALENS, BRENDA

Total Financial Assessment

\$1,125.00

Total Payments and Credits

\$1,125.00

9/13/2019	Transaction Assessment			\$435.00
9/13/2019	Case Payment	Receipt # 2019-056819-HOJ	TALENS, BRENDA	(\$435.00)
6/10/2020	Transaction Assessment			\$150.00
6/10/2020	eFile Online Payment	Receipt # 2020-023336-HOJ	TALENS, BRENDA	(\$150.00)
1/21/2021	Transaction Assessment			\$90.00
1/21/2021	eFile Online Payment	Receipt # 2021-002457-HOJ	TALENS, BRENDA	(\$90.00)
4/27/2021	Transaction Assessment			\$90.00
4/27/2021	eFile Online Payment	Receipt # 2021-016269-HOJ	TALENS, BRENDA	(\$90.00)
7/6/2021	Transaction Assessment			\$90.00
7/6/2021	eFile Online Payment	Receipt # 2021-027048-HOJ	TALENS, BRENDA	(\$90.00)
7/30/2021	Transaction Assessment			\$90.00
7/30/2021	eFile Online Payment	Receipt # 2021-031105-HOJ	TALENS, BRENDA	(\$90.00)
9/23/2021	Transaction Assessment			\$90.00
9/23/2021	eFile Online Payment	Receipt # 2021-039512-HOJ	TALENS, BRENDA	(\$90.00)
9/23/2021	Transaction Assessment			\$90.00
9/23/2021	eFile Online Payment	Receipt # 2021-039590-HOJ	TALENS, BRENDA	(\$90.00)
BARREDO, PRISCILLA L				
	Total Financial Assessment			\$90.00

Total Payments and Credits				\$90.00
5/20/2020	Transaction Assessment			\$90.00
5/20/2020	eFile Online Payment	Receipt # 2020-020800-HOJ	BARREDO, PRISCILLA L	(\$90.00)
THE JAPANESE FEAST, INC				
Total Financial Assessment				\$455.00
Total Payments and Credits				\$455.00
9/26/2019	Transaction Assessment			\$435.00
11/23/2020	Transaction Assessment			\$20.00
11/23/2020	Case Payment	Receipt # 2020-045919-HOJ	LAW OFFICES OF KERN SEGAL & MURRAY	(\$20.00)
KAWASHIMA, KENICHI				
Total Financial Assessment				\$1,295.00
Total Payments and Credits				\$1,295.00
9/25/2019	eFile Online Payment	Receipt # 2019-059542-HOJ	KAWASHIMA, KENICHI	(\$1,020.00)
9/26/2019	Transaction Assessment			\$585.00
6/10/2020	Transaction Assessment			\$90.00
6/10/2020	eFile Online Payment	Receipt # 2020-023261-HOJ	KAWASHIMA, KENICHI	(\$90.00)
9/9/2020	Transaction Assessment			\$530.00
9/9/2020	eFile Online Payment	Receipt # 2020-034999-HOJ	KAWASHIMA, KENICHI	(\$530.00)
2/18/2021	Transaction Assessment			\$90.00
2/18/2021	eFile Online Payment	Receipt # 2021-006547-HOJ	KAWASHIMA, KENICHI	(\$90.00)
HERNANDEZ, SAMUEL E				
Total Financial Assessment				\$435.00
Total Payments and Credits				\$435.00
7/14/2020	Transaction Assessment			\$435.00

Case 2:21-cv-01546-JAM-KJN Document 22-2 Filed 12/13/21 Page 48 of 75

7/14/2020	eFile Online	Receipt #	HERNANDEZ,	(\$435.00)
	Payment	2020-027489-HOJ	SAMUEL E	

DOES 1-50, INCLUSIVE

Total Financial Assessment	\$620.00
Total Payments and Credits	\$620.00

8/17/2020	Transaction		\$90.00
	Assessment		

8/17/2020	eFile Online	Receipt #	DOES 1-50,	(\$90.00)
	Payment	2020-032028-HOJ	INCLUSIVE	

11/9/2021	Transaction		\$530.00
	Assessment		

11/9/2021	eFile Online	Receipt #	DOES 1-50,	(\$530.00)
	Payment	2021-046580-HOJ	INCLUSIVE	

Documents

Civil Case Cover Sheet

Complaint

Summons Issued / Filed

Notice of Case Management Conference

Case Management Statement

Answer (Unlimited) Answer TO UNVERIFIED COMPLAINT

Advanced Jury Fee Defendant Non-Refundable

Amended Answer/Response/Denial (No Fee) AMENDED ANSWER TO COMPLAINT

Case Management Statement

ADR Referral

ADR Referral

ADR Referral

ADR Referral

~CIV Minute Order - Case Management Conference 01/22/2020

Proposed Order Received STIP AND ORDER TO ADR; FWDED TO DEPT 11

Stipulation and Order to ADR

Petition to Approve (No Fee) Person with a Disability

Proposed Order Received APPROVING COMPROMISE OF PENDING ACTION SENT TO DEPT 28

Declaration in Support OF PETITIONER'S EXPEDITED PETITION TO APPROVE COMPROMISE OF PENDING ACTION FO

Order Approving Compromise Claim/Action Signed By: HON. JUDGE MIRAMDate Signed: 05/26/20

Declaration in Support DECLARATION OF BRYANA MCGUIRK, ESQ. IN SUPPORT OF MOTION TO CONTINUE TRIAL

Memorandum of Points and Authorities in Support MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF M

Proposed Order Received [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE TRIAL

Notice of Motion and Motion to Continue DEFENDANTS' NOTICE OF MOTION TO CONTINUE TRIAL

Notice of Posting Jury Fees

Proof of Service by SUBSTITUTED SERVICE of SUMMONS AND COMPLAINT; CIVIL CASE COVER SHEET BY SERVING

Memorandum of Points and Authorities in Opposition PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND

Declaration in Opposition DECLARATION OF JAMES J. ISON, ESQ IN SUPPORT OF OPPOSITION TO MOTION TO CO

Answer (Unlimited) Answer TO COMPLAINT

~CIV Minute Order - Motion to Continue Trial Date 07/15/2020

Notice of Change of Address of Attorney

Notice of Motion and Motion to Compel MOTION TO COMPEL INDEPENDENT MEDICAL EXAMINATION, OR IN THE AL

Declaration in Support OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS MOTION TO COMPEL INDEPEND

Memorandum of Points and Authorities in Support DEFENDANTS' MOTION TO COMPEL INDEPENDENT MEDICAL EXA

Proposed Order Received GRANTING DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO ATTEND INDEPENDAT MEDICAL

~CIV Minute Order - Discovery Conference 08/27/2020

Evidence IS SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER FOR PUNITIVE DAMAGES

Motion for Summary Adjudication DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY ADJUDICATION OF

Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PR

Separate Statement of Undisputed Material Facts AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MO

Declaration in Support OF BRYANA S. MCGUIRK OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF ISSUES

Declaration in Support OF KENICHI KAWASHIMA OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAYER

Declaration in Support OF SAMUEL E. HERNANDEZ OF DEFENDANTS' MOTION FOR SUMMARY ADJUDICATION OF PRAY

Notice OF PAYMENT FOR COURT REPORTER FEE

~CIV Minute Order - Motion to Compel Independent Medical Examination 10/07/2020

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Compendium of Index of Exhibits IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJUDICAT

Memorandum of Points and Authorities in Opposition OF PLAINTIFF BRENDA TALENS' IN OPPOSITION TO DEFE

Separate Statement of Undisputed Material Facts IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY ADJU

Declaration OF BRENDA TALENS

Declaration OF PRESCILLA BARREDO

Declaration in Support OF JAMES J. ISON OF PLAINTIFF BRENDA TALENS' OPPOSITION TO DEFENDANTS' MOTION

Request for Judicial Notice PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

Objections to Evidence PLAINTIFF'S OBJECITONS TO DEFENDANTS' EVIDENCE IN SUPPORT OF OPPOSITION TO DE

Proposed Order Received STIPULATION TO CONTINUE TRIALFWD TO DEPT. 1

Stipulation & Order Type: TO CONTINUE TRIALSigned by: JUDGE DAVISDate Signed: 11/23/20COPY FWD TO

Notice of Hearing re

Memorandum of Points and Authorities in Support OF HER REQUEST FOR AMENDED ORDER APPROVING HER PETIT

Declaration OF PETITIONER PRISCILLA BARREDO

Declaration OF JAMES J. ISON

Proposed Order Received [PROPOSED] AMENDED ORDER APPROVING COMPROMISE OF PENDING ACTION INVOLVING AD

Notice of Errata

Proposed Order Received ON PLAINTIFF'S OBJECTIONS TO DEFENDANTS EVIDENCE FILED IN SUPPORT OF ITS MOT

Amended Order APPROVING COMPROMISE OF PENDING ACTION INVOLVING ADULT PERSON WITH DISABILITYSigned b

Memorandum of Points and Authorities in Reply IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF PRAYE

Memorandum of Points and Authorities in Reply TO PLAINTIFF'S SEPARATE STATEMENT OF ADDITIONAL MATERI

Declaration in Support REBUTTAL DECLARATION OF MICHAEL G. THOMAS IN SUPPORT OF MOTION FOR SUMMARY AD

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S EVIDENCE SUBMITTED IN OPPOSITION T

Proof of Service - ELECTRONIC of DEFENDATNS' REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT O

~CIV Minute Order - Motion for Summary Adjudication of Issues 12/04/2020

Notice of Assignment for All Purposes

Notice of Assignment for All Purposes

Notice of Hearing re

Peremptory Challenge Pursuant to CCP 170.6 Against Judicial Officer

Order Denying PEREMPTORY CHALLENGE

Notice of Motion and Motion for Reconsideration

Memorandum of Points and Authorities in Support

Declaration in Support

~CIV Minute Order - Discovery Conference 01/26/2021

Amended Notice of Motion and Motion to RECONSIDERATION

Proof of Service - ELECTRONIC of PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR RECONSIDERATION; ETC...

Declaration in Support OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF DEFENDANTS??? MOTION FOR ?? 128.5 SA

Motion DEFENDANTS' NOTICE OF MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDULED ME

Proposed Order Received GRANTING DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION

Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD F

Case Management Statement

Case Management Statement

~CIV Minute Order - Discovery Conference 03/10/2021

~CIV Minute Order - Motion for Reconsideration 03/12/2021

Memorandum of Points and Authorities in Opposition TO DEFENDANT'S MOTION FOR MONETARY SANCTIONS

Declaration in Opposition OF JAMES J. ISON IN OPPOSITION TO DEFENDANTS' MOTION FOR SANCTIONS

Request for Judicial Notice IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION FOR SANCTIONS

Order Order by Dept 20 on 3/25/21

Supplemental PLAINTIFF BRENDA TALENS SUPPLEMENTAL BRIEF REGARDING NEW EVIDENCE OF IN OPPOSITION TO D

~CIV Minute Order - Motion for Order 03/30/2021

Notice of Reassignment for All Purposes

Notice of Motion and Motion to Compel PLAINTIFF BRENDA TALEN'S MOTION TO COMPEL FURTHER RESPONSES, P

Statement PLAINTIFF BRENDA TALEN'S STATEMENT OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND RESPONSES I

Declaration in Support DECLARATION OF JAMES J. ISON IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL FURTH

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALEN'S MEMORANDUM OF POINTS AND AU

Notice OF CHANGE OF HANDLING ATTORNEY

Declaration in Opposition DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF DEFENDANTS' OPPOSITIO

Memorandum of Points and Authorities in Opposition DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO C

Memorandum of Points and Authorities in Reply PLAINTIFF BRENDA TALENS' REPLY BRIEF IN SUPPORT OF MOT

Declaration in Support SUPPLEMENTAL DECLARATION OF JAMES J. ISON IN SUPPORT OF PLAINTIFF'S MOTION TO

~CIV Minute Order - Discovery Conference 05/24/2021

Notice of Withdrawal OF DEFENDANTS' MOTION FOR 128.5 SANCTIONS FOR BAD FAITH PARTICIPATION IN SCHEDU

~CIV Minute Order - Motion to Compel 05/28/2021

Notice of Case Management and Trial Setting Conference on 07/26/21 at 9:00 am.

Declaration DECLARATION OF JAMES J. ISON

Notice of Motion and Motion to Compel Further Responses PLAINTIFF BRENDA TALENS' MOTION TO COMPEL FU

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Case Management Statement

Case Management Statement

Amended Notice of Motion and Motion to PLAINTIFF BRENDA TALENS' MOTION AND FIRST AMENDED NOTICE OF M

~CIV Minute Order - Informal Discovery Conference 07/20/2021

Case Management Statement

Declaration in Opposition DECLARATION OF TODD P. DRAKEFORD, ESQ, IN SUPPORT OF DEFENDANTS' OPPOSITIO

Memorandum of Points and Authorities in Opposition MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT O

~CIV Minute Order - Case Management and Trial Setting Conference 07/26/2021

Request for Judicial Notice FIRST SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S

Notice of Motion and Motion to Compel PLAINTIFF BRENDA TALENS' NOTICE OF MOTION AND MOTION TO COMPEL

Request for Judicial Notice PLAINTIFF BRENDA TALENS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTIO

Declaration OF JAMES J. ISON

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Notice of Mandatory Settlement Conference and Jury Trial & Pretrial Conference

Notice of Mandatory Settlement Conference on 01/21//22 at 9:00 am in SSF.

Memorandum of Points and Authorities in Reply PLAINTIFF'S REPLY BRIEF

Declaration in Support DECLARATION OF JAMES J. ISON IN SUPPORT OF REPLY BRIEF

Request for Judicial Notice IN SUPPORT OF MOTION FOR SANCTIONS

Notice of Errata

~CIV Minute Order - Informal Discovery Conference 08/05/2021

~CIV Minute Order - Motion to Compel Further 08/06/2021

Declaration in Opposition TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND MONETARY SANCTIONS

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO TESTIFY IN ENGLISH AND M

Request for Judicial Notice IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO TESTIFY IN

Memorandum of Points and Authorities in Reply IN SUPPORT OF MOTION TO COMPEL SAMUEL HERNANDEZ TO TE

Request for Judicial Notice IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL

HERNANDEZ TO TESTIFY IN

Notice of Related Case 21-CV-01546 IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIF

Request for Judicial Notice IN SUPPORT OF MOTION TO COMPEL DEFENDANT SAMUEL HERNANDEZ TO TESTIFY IN

~CIV Minute Order - Motion to Compel 09/10/2021

Request PLAINTIFF'S REQUEST FOR EXAMINATION OF DEFENDANT SAMUEL HERNANDEZ PURSUANT TO STANDARD 2.10

Memorandum of Points and Authorities in Support OF MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FO

Declaration OF JAMES J. ISON

Statement OF REQUESTS FOR ADMISSIONS AND RESPONSES IN DISPUTE

Notice of Motion and Motion to Compel DEFENDANT SAMUEL HERNANDEZ TO PROVIDE FURTHER RESPONSES TO REQ

Notice of Motion and Motion to Compel Further Responses PLAINTIFF BRENDA TALENS' MOTION AND NOTICE O

Memorandum of Points and Authorities in Support PLAINTIFF BRENDA TALENS' MEMORANDUM OF POINTS AND AU

Statement PLAINTIFF BRENDA TALENS' STATEMENT OF FORM INTERROGATORIES AND RESPONSES IN DISPUTE IN DIS

Declaration DECLARATION OF JAMES J. ISON

Declaration in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORIES,

Separate Statement IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGA

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES

Declaration in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIO

Memorandum of Points and Authorities in Opposition DEFENDANTS' RESPONSE TO PLAINTIFF'S STATEMENT OF

Memorandum of Points and Authorities in Opposition TO PLAINTIFF'S MOTION TO COMPEL FURTHER RESPONSES

Notice OF FILING PROOF OF SERVICE

Plaintiff's Brief re: REPLY

Declaration OF JAMES J. ISON

~CIV Minute Order - Motion to Compel 11/05/2021

~CIV Minute Order - Motion to Compel Further 11/05/2021

Memorandum of Points and Authorities in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Separate Statement of Undisputed Material Facts AND SUPPORTING EVIDENCE IN SUPPORT OF DEFENDANTS' MO

Evidence IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Declaration in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Declaration in Support OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; ETC...

Motion for Summary Judgment and Alternative Motion for Summary Adjudication

EXHIBIT 2

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

Case Number: CGC20589080
Title: JAMES J. ISON ET AL VS. MERCURY INSURANCE ET AL
Cause of Action: DEFAMATION
Generated: 2021-12-13 10:34 am

[Register of Actions](#) [Parties](#) [Attorneys](#) [Calendar](#) [Payments](#) [Documents](#)

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After that, please refresh your web browser. (by pressing Command +R for Mac, pressing F5 for Windows or clicking the refresh button on your web browser)

Register of Actions

Show entries

Search:

Date	Proceedings	Document	Fee
2021-11-19	NOTICE OF APPEAL (TRANSACTION ID # 100147701) FILED BY APPELLANT ISON, JAMES J. THE ISON LAW FIRM, PC	View	\$100.00
2021-11-11	REFUND FROM THE ELIMINATION OF LOCAL SURCHARGES (GC 70625) OF \$30.00		
2021-10-26	CASE MANAGEMENT CONFERENCE OF NOV-17-2021 CONTINUED TO MAR-16-2022 AT 10:30 AM IN DEPARTMENT 610 FOR STATUS OF APPEAL. NOTICE SENT BY COURT.	View	
2021-10-25	NOTICE OF DEFAULT ON APPEAL SENT TO APPELLANT ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-10-14	ORDER DENYING REQUEST FOR STAY AND THE PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF.	View	
2021-10-12	NOTICE DESIGNATING RECORD ON APPEAL (8.124)(TRANSACTION ID # 100144123) FILED BY APPELLANT ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-10-07	CLERK'S NOTICE OF FILING OF NOTICE OF APPEAL	View	
2021-10-04	MEMORANDUM OF COSTS AND DISBURSEMENTS, \$990.00 TOTAL COSTS, MATURE DATE OCT-26-2021,, (TRANSACTION ID # 66985942) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-09-30	ORDER FURTHER ORDER ON DEFENDANT'S MOTION FOR ATTORNEYS'FEES AND COSTS (SEE SCANNED DOCUMENT)	View	
2021-09-29	NOTICE OF APPEAL (TRANSACTION ID # 100143103) FILED BY APPELLANT ISON, JAMES J. THE ISON LAW FIRM, PC	View	\$100.00
2021-09-24	ORDER GRANTING DEFENDANTS' ATTORNEYS' FEES AND COSTS	View	
2021-09-24	NOTICE OF DEFENDANTS' COMPLIANCE WITH ORDER (TRANSACTION ID # 100142609) FILED BY DEFENDANT MERCURY GENERAL CORPORATION PETRO, RANDALL R.	View	
2021-09-20	NOTICE OF ENTRY OF ORDER/NOTICE OF RULING FILED DENYING PLAINTIFFS' MOTION TO TO TAX COSTS; SANCTIONED IMPOSED IN THE AMOUNT OF \$2,375.00 (TRANSACTION ID # 100142184) FILED BY DEFENDANT MERCURY GENERAL CORPORATION PETRO, RANDALL R.	View	
2021-09-20	NOTICE OF ENTRY OF ORDER/NOTICE OF RULING FILED GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS (TRANSACTION ID # 100142184) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-09-20	NOTICE OF ENTRY OF ORDER/NOTICE OF RULING FILED GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT (TRANSACTION ID # 100142184) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-09-20	LAW AND MOTION 302, PLAINTIFFS JAMES ISON, THE ISON LAW FIRM, PC'S MOTION TO TAX COSTS PLAINTIFFS' FRIVOLOUS MOTION TO TAX COSTS IS DENIED. (SEE MINI MINUTES FOR COMPLETE DETAILS) DEFENDANTS' REQUEST FOR AN AWARD OF SANCTIONS IS GRANTED IN THE AMOUNT OF \$2,375. ORDER IS SIGNED. JUDGE: ETHAN P. SCHULMAN, CLERK: W. TRUPEK, COURT REPORTER: MARIA TORREANO CSR# 8600, EMAIL: MARIA.TORREANO@GMAIL.COM, REPORTED. (302/EPS)		

Date	Proceedings	Document	Fee
2021-09-20	LAW AND MOTION 302, DEFENDANTS KERN, SEGAL & MURRAYAND PHILIP SEGAL'S SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT IS GRANTED ON SUBSTANTIALLY THE SAME GROUNDS AS THOSE SET FORTH IN THE COURT'S JULY 12, 2021 ORDER GRANTING THE ANTI-SLAPP MOTION OF DEFENDANTS MERCURY GENERAL CORPORATION AND RANDALL PETRO, AS WELL AS THOSE ADDITIONAL GROUNDS SET FORTH IN DEFENDANTS' PAPERS. ORDER IS SIGNED. JUDGE: ETHAN P. SCHULMAN, CLERK: W. TRUPEK, COURT REPORTER: MARIA TORREANO CSR# 8600, EMAIL: MARIA.TORREANO@GMAIL.COM, REPORTED. (302/EPS)		
2021-09-20	LAW AND MOTION 302, DEFENDANT KERN, SEGAL & MURRAY, PHILIP SEGAL DEMURRER TO AMENDED COMPLAINT IS OFF CALENDAR AS MOOT IN LIGHT OF THE COURT'S RULING GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT. JUDGE: ETHAN P. SCHULMAN; CLERK: W. TRUPEK; NOT REPORTED (302/EPS)		
2021-09-20	LAW AND MOTION 302, ORDER TO SHOW CAUSE RE CONTEMPT IS TAKEN UNDER SUBMISSION. JUDGE: ETHAN P. SCHULMAN, CLERK: W. TRUPEK, COURT REPORTER: MARIA TORREANO CSR# 8600, EMAIL: MARIA.TORREANO@GMAIL.COM, REPORTED. (302/EPS) *AFTER HEARING, ORDER IS SIGNED.		
2021-09-20	LAW AND MOTION 302, DEFENDANTS RANDALL PETRO, MERCURY GENERAL CORPORATION'S MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS IS GRANTED. (SEE WORD MINTUES FOR COMPLETE DETAILS) ORDER IS SIGNED. JUDGE: ETHAN P. SCHULMAN, CLERK: W. TRUPEK, COURT REPORTER: MARIA TORREANO CSR# 8600, EMAIL: MARIA.TORREANO@GMAIL.COM, REPORTED. (302/EPS)		
2021-09-20	MINUTES FOR SEP-20-2021 9:30 AM	View	
2021-09-20	ORDER AND JUDGMENT OF CONTEMPT. (SEE SCANNED DOCUMENT FOR DETAILS)	View	
2021-09-20	MINI MINUTES FOR SEP-20-2021 09:30 AM FOR DEPT 302		
2021-09-20	MINI MINUTES FOR SEP-20-2021 09:30 AM FOR DEPT 302		
2021-09-20	MINI MINUTES FOR SEP-20-2021 09:30 AM FOR DEPT 302		
2021-09-20	MINI MINUTES FOR SEP-20-2021 09:30 AM FOR DEPT 302		
2021-09-20	ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS	View	
2021-09-20	ORDER DENYING PLAINTIFFS' MOTION TO TO TAX COSTS; SANCTIONED IMPOSED IN THE AMOUNT OF \$2,375.00	View	
2021-09-20	ORDER GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT	View	
2021-09-20	MINI MINUTES FOR SEP-20-2021 09:30 AM FOR DEPT 302		
2021-09-17	RESPONSE TO ORDER TO SHOW CAUSE (TRANSACTION ID # 100141977) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-09-16	CASE MANAGEMENT CONFERENCE OF SEP-29-2021 CONTINUED TO NOV-17-2021 AT 10:30 AM IN DEPARTMENT 610. NOTICE SENT BY COURT.	View	
2021-09-14	ORDER STRIKING PLAINTIFFS' VERIFIED STATEMENT OF DISQUALIFICATION OF JUDGE ETHAN P. SCHULMAN FOR CAUSE; VERIFIED ANSWER OF ETHAN P. SCHULMAN	View	
2021-09-13	REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 100141555) FILED BY DEFENDANT MERCURY GENERAL CORPORATION PETRO, RANDALL R.	View	
2021-09-13	LAW AND MOTION 302, PLAINTIFFS JAMES ISON AND THE ISON LAW FIRM, PC'S MOTION TO TAX COSTS [3.1700]. CONTINUED ON THE COURT'S OWN MOTION TO SEPTEMBER 20, 2021 TO BE HEARD CONCURRENTLY WITH DEFENDANTS' MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS AND ORDER TO SHOW CAUSE RE CONTEMPT. JUDGE: ETHAN P. SCHULMAN, CLERK: W. TRUPEK, NOT REPORTED		
2021-09-13	MINI MINUTES FOR SEP-13-2021 09:30 AM FOR DEPT 302		
2021-09-10	LAW AND MOTION 302, DEFENDANTS KERN, SEGAL & MURRAYAND PHILIP SEGAL'S SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT CONTINUED FROM SEP-13-2021 TO LAW AND MOTION AT SEP-20-2021, 9:30 AM IN DEPT. 302 PER ORDER FILED ON 9/10/2021. (302)		
2021-09-10	LAW AND MOTION 302, DEFENDANTS KERN, SEGAL & MURRAYAND PHILIP SEGAL'S DEMURRER TO 1ST AMENDED COMPLAINT CONTINUED FROM SEP-13-2021 TO LAW AND MOTION AT SEP-20-2021, 9:30 AM IN DEPT. 302 PER ORDER FILED ON 9/10/2021. (302)		
2021-09-10	ADDED TO CALENDAR FOR DEFENDANTS KERN, SEGAL & MURRAYAND PHILIP SEGAL'S SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT HEARING SET FOR SEP-13-2021 AT 09:30 AM IN DEPT 302		

Date	Proceedings	Document	Fee
2021-09-10	ORDER CONTINUING HEARINGS ON DEMURRER AND SPECIAL ANTI-SLAPP MOTION TO STRIKE	View	
2021-09-07	REQUEST FOR JUDICIAL NOTICE (TRANSACTION ID # 100141074) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-09-07	OPPOSITION TO MERCURY'S MOTION FOR APPROVAL OF AWARD OF ATTORNEYS' FEES AND COSTS (TRANSACTION ID # 100141074) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-09-07	NOTICE OF ENTRY OF ORDER/NOTICE OF RULING FILED DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION PER CODE OF CIVIL PROCEDURE SECTION 1008 (TRANSACTION ID # 100140985) FILED BY DEFENDANT MERCURY GENERAL CORPORATION PETRO, RANDALL R.	View	
2021-09-07	VERIFIED STATEMENT OF DISQUALIFICATION OF JUDGE ETHAN P. SCHULMAN (TRANSACTION ID # 100140964) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-09-03	REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER TO FIRST AMENDED COMPLAINT (TRANSACTION ID # 100140861) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-09-03	REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE FIRST AMENDED COMPLAINT (TRANSACTION ID # 100140861) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-30	OPPOSITION TO MOTION TO STRIKE AND DEMURRER (TRANSACTION ID # 100140376) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-08-30	DECLARATION OF JAMES J. ISON IN OPPOSITION TO RANDALL R. PETRO'S SPECIAL MOTION TO STRIKE (TRANSACTION ID # 100140376) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-08-30	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS MOTION TO TAX COST [CRC 3.1700] (TRANSACTION ID # 100140364) (TRANSACTION ID # 100140364) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-30	DECLARATION OF TODD P. DRAKEFORD IN OPPOSITION TO PLAINTIFFS MOTION TO TAX COST [CRC 3.1700] (TRANSACTION ID # 100140364) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-30	ADDED TO CALENDAR FOR ORDER TO SHOW CAUSE RE CONTEMPT HEARING SET FOR SEP-20-2021 AT 09:30 AM IN DEPT 302		
2021-08-30	ORDER TO SHOW CAUSE RE CONTEMPT	View	
2021-08-30	ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION PER CODE OF CIVIL PROCEDURE SECTION 1008	View	
2021-08-30	LAW AND MOTION 302, PLAINTIFFS JAMES ISON AND THE ISON LAW FIRM, PC'S MOTION FOR RECONSIDERATION PER CCP 1008 IS TAKEN UNDER SUBMISSION. JUDGE: ETHAN P. SCHULMAN, CLERK: S. LE, COURT REPORTER: MARIA TORREANO, CSR#8600, MARIA.TORREANO@GMAIL.COM, REPORTED. =(302/EPS) ***ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION PER CODE OF CIVIL PROCEDURE SEC 1008 SIGNED AFTER HEARING.***		
2021-08-30	MINI MINUTES FOR AUG-30-2021 09:30 AM FOR DEPT 302		
2021-08-23	REPLY BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION (TRANSACTION ID # 100139864) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-08-19	NOTICE OF MOTION AND MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 66864650) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE) HEARING SET FOR SEP-20-2021 AT 09:30 AM IN DEPT 302	View	\$60.00
2021-08-19	DECLARATION OF PHILIP A. SEGAL, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 66864650) FILED BY DEFENDANT SEGAL, PHILIP A. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-19	DECLARATION OF MICHAEL G. THOMAS, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 66864650) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-19	DECLARATION OF GRACE M. HARRIETT, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 66864650) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	

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2021-08-19	DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF AWARD OF ATTORNEY FEES AND COSTS (TRANSACTION ID # 66864650) FILED BY DEFENDANT MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-19	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF ATTORNEY FEES AND COSTS; **COURT REPORTER FEES PAID** (TRANSACTION ID # 66864650) FILED BY DEFENDANT PETRO, RANDALL R.	View	\$30.00
2021-08-17	DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION PER CODE OF CIVIL PROCEDURE SECTION 1008 (TRANSACTION ID # 100139308) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-17	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION PER CODE OF CIVIL PROCEDURE SECTION 1008 (TRANSACTION ID # 100139308) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-08-06	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TAX COSTS [CRC 3.1700] (TRANSACTION ID # 100138397) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-08-06	NOTICE OF MOTION AND MOTION TO TAX COSTS [3.1700]; **COURT REPORTER FEES PAID** (TRANSACTION ID # 100138397) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC HEARING SET FOR SEP-13-2021 AT 09:30 AM IN DEPT 302	View	\$90.00
2021-08-06	DECLARATION OF JAMES J. ISON IN SUPPORT OF MOTION TO TAX COSTS (TRANSACTION ID # 100138397) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-08-05	EVIDENCE IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	NOTICE OF MOTION AND SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT; **COURT REPORTER FEES PAID** (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	\$30.00
2021-08-05	DECLARATION OF GRACE M. HARRIETT, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	DEMURRER TO 1ST AMENDED COMPLAINT **COURT REPORTER FEES PAID** (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A. HEARING SET FOR SEP-13-2021 AT 09:30 AM IN DEPT 302	View	\$930.00
2021-08-05	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER TO FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-08-05	DECLARATION OF GRACE M. HARRIETT IN SUPPORT OF DEMURRER TO FIRST AMENDED COMPLAINT (TRANSACTION ID # 66826557) FILED BY DEFENDANT KERN, SEGAL & MURRAY SEGAL, PHILIP A.	View	
2021-07-26	REQUEST FOR JUDICIAL NOTICE IN SUPPOR OF MOTION FOR RECONSIDERATION PER CCP 1008(TRANSACTION ID # 100137276) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-07-26	DECLARATION OF JAMES J. ISON IN SUPPOR OF MOTION FOR RECONSIDERATION PER CCP 1008 (TRANSACTION ID # 100137276) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-07-26	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPOR OF MOTION FOR RECONSIDERATION PER CCP 1008(TRANSACTION ID # 100137276) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-07-26	NOTICE OF MOTION AND MOTION FOR RECONSIDERATION PER CCP 1008 (TRANSACTION ID # 100137276) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC HEARING SET FOR AUG-30-2021 AT 09:30 AM IN DEPT 302	View	\$90.00

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2021-07-20	MEMORANDUM OF COSTS AND DISBURSEMENTS, \$1,459.80 TOTAL COSTS, MATURE DATE AUG-12-2021,, (TRANSACTION ID # 66783426) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-07-14	NOTICE OF ENTRY OF ORDER/NOTICE OF RULING FILED GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT (TRANSACTION ID # 66765505) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-07-12	ORDER GRANTING DEFENDANTS' SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS' FIRST AMENDED COMPLAINT	View	
2021-07-12	LAW AND MOTION, 302, (*PREVIOUSLY TAKEN UNDER SUBMISSION ON 7/12/2021*) DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION'S DEMURRER TO AMENDED COMPLAINT IS OFF CALENDAR IN LIGHT OF THE RULING ON THE COMPANION MOTION. (302)		
2021-07-12	LAW AND MOTION 302, (*PREVIOUSLY TAKEN UNDER SUBMISSION ON 7/12/2021*) DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION'S MOTION TO STRIKE AMENDED COMPLAINT, GRANTED. ORDER IS SIGNED. (302)		
2021-07-12	LAW AND MOTION, 302, DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION'S MOTION TO STRIKE AMENDED COMPLAINT IS TAKEN UNDER SUBMISSION. JUDGE: ETHAN P. SCHULMAN, CLERK: S. LE, COURT REPORTER: ROSE MILLER, CSR#5041, EMAIL: RMILLERCSR@GMAIL.COM. =(302/EPS)		
2021-07-12	LAW AND MOTION, 302, DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION'S DEMURRER TO AMENDED COMPLAINT IS TAKEN UNDER SUBMISSION. JUDGE: ETHAN P. SCHULMAN, CLERK: S. LE, COURT REPORTER: ROSE MILLER, CSR#5041, EMAIL: RMILLERCSR@GMAIL.COM. =(302/EPS)		
2021-07-12	MINI MINUTES FOR JUL-12-2021 09:30 AM FOR DEPT 302		
2021-07-12	MINI MINUTES FOR JUL-12-2021 09:30 AM FOR DEPT 302		
2021-07-12	REQUEST FOR STATEMENT OF DECISION (TRANSACTION ID # 100135939) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-07-09	CASE MANAGEMENT CONFERENCE OF JUL-28-2021 CONTINUED TO SEP-29-2021 AT 10:30 AM IN DEPARTMENT 610. NOTICE SENT BY COURT.	View	
2021-07-09	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS EX PARTE APPLICATION FOR ORDER CONTINUING HEARING TO CONSIDER NEW EVIDENCE (TRANSACTION ID # 66753453) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-07-09	DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT OF DEFENDANTS OPPOSITION TO PLAINTIFFS EX PARTE APPLICATION FOR ORDER CONTINUING HEARING TO CONSIDER NEW EVIDENCE (TRANSACTION ID # 66753453) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-07-08	EX PARTE APPLICATION FOR ORDER CONTINUING HEARING TO CONSIDER NEW EVIDENCE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JAMES J. ISON (TRANSACTION ID # 100135681) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	\$60.00
2021-07-07	REQUEST FOR JUDICIAL NOTICE AND NOTICE OF LODGING OF COMPLAINT WITH THE CALIFORNIA STATE BAR(TRANSACTION ID # 100135543) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-06-11	1ST AMENDED COMPLAINT (1ST AMENDED COMPLAINT REFILED 6/11/21 PURSUANT TO 6/7/21 COURT ORDER) (TRANSACTION ID # 100133659) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC AS TO DEFENDANT MERCURY INSURANCE MERCURY GENERAL CORPORATION KERN, SEGAL & MURRAY SEGAL, PHILIP A. PETRO, RANDALL R. DOES 1-100, INCLUSIVE	View	
2021-06-10	LAW AND MOTION 302, DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)'S MOTION TO STRIKE 1ST AMENDED COMPLAINT IS CONTINUED TO JULY 12, 2021 TO ALLOW PLAINTIFF TO FILE A COMPLETE COPY OF THE FIRST AMENDED COMPLAINT IN COMPLIANCE WITH THIS COURT'S ORDER OF JUNE 7, 2021. JUDGE: ETHAN P. SCHULMAN, CLERK: S. LE, NOT REPORTED. =(302/EPS)		
2021-06-10	LAW AND MOTION 302, DEFENDANTS RANDALL PETRO AND MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)'S DEMURRER TO 1ST AMENDED COMPLAINT IS CONTINUED TO JULY 12, 2021 TO ALLOW PLAINTIFF TO FILE A COMPLETE COPY OF THE FIRST AMENDED COMPLAINT IN COMPLIANCE WITH THIS COURT'S ORDER OF JUNE 7, 2021. JUDGE: ETHAN P. SCHULMAN, CLERK: S. LE, NOT REPORTED. =(302/EPS)		
2021-06-10	MINI MINUTES FOR JUN-10-2021 09:30 AM FOR DEPT 302		
2021-06-10	MINI MINUTES FOR JUN-10-2021 09:30 AM FOR DEPT 302		

Date	Proceedings	Document	Fee
2021-06-07	ORDER RE: PLAINTIFF'S EX PARTE APPLICATION	View	
2021-06-07	DUE PROCESS OBJECTIONS TO DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR SPECIAL MOTION TO STRIKE (TRANSACTION ID # 100133152) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-06-04	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS EX PARTE APPLICATION (TRANSACTION ID # 100133075) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-06-04	OBJECTIONS TO DEFENDANTS EVIDENCE (TRANSACTION ID # 100133052) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-06-04	REQUEST FOR JUDICIAL NOTICE (TRANSACTION ID # 100133052) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-06-04	EX PARTE APPLICATION FOR ORDER DECLARING THE PLAINTIFFS' BRIEF AND DECLARATION OF JAMES J. ISON IN OPPOSITION TO DEFENDANTS' SPECIAL MOTION TO STRIKE PER CODE OF CIVIL PROCEDURE 425.16(G) AND ORDR ALLOWING AMENDMENT TO PLAINTIFFS' FIRST AMENDED COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JAMES J. ISON (TRANSACTION ID # 100133018) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	\$60.00
2021-06-03	REPLY MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF DEMURRER TO 1ST AMENDED COMPLAINT (TRANSACTION ID # 100132964) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-06-03	REPLY MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE 1ST AMENDED COMPLAINT (TRANSACTION ID # 100132964) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-27	OPPOSITION TO DEMURRER (TRANSACTION ID # 100132469) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-05-27	DECLARATION OF JAMES J. ISON (TRANSACTION ID # 100132466) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-05-27	MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION BRIEF (TRANSACTION ID # 100132466) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2021-05-18	OPPOSITION TO PLAINTIFFS EX PARTE APPLICATION FOR ORDER SHORTENING TIME ON MOITON TO OPEN DISCOVERY PER CODE OF CIVIL PROCEDURE 425.16(G) (TRANSACTION ID # 66612719) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-18	DECLARATION OF TODD P. DRAKEFORD, ESQ. IN SUPPORT IN SUPPORT OF DEFENDANTS' OPPOSITION TO EX PARTE APPLICATION FOR ORDER SHORTENING TIME ON MOITON TO OPEN DISCOVERY PER CODE OF CIVIL PROCEDURE 425.16(G) (TRANSACTION ID # 66612719) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-18	EX PARTE APPLICATION FOR ORDER SHORTENING TIME ON MOTION TO OPEN DISCOVERY PER CODE OF CIVIL PROCEDURE 425.16(G); MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JAMES J. ISON (TRANSACTION ID # 100131561) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	\$60.00
2021-05-13	CASE MANAGEMENT CONFERENCE OF JUN-02-2021 CONTINUED TO JUL-28-2021 AT 10:30 AM IN DEPARTMENT 610. NOTICE SENT BY COURT.	View	
2021-05-03	DECLARATION OF BRYANA S. MCGUIRK, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	DECLARATION OF STUART DIAMOND, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R.	View	
2021-05-03	DECLARATION OF IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	DECLARATION OF GRACE M. HARRIETT, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT	View	

Date	Proceedings	Document	Fee
	(TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)		
2021-05-03	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF SPECIAL ANTI-SLAPP MOTION TO STRIKE PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	MOTION TO STRIKE 1ST AMENDED COMPLAINT ; ***COURT REPORTER FEES PAID*** (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE) HEARING SET FOR JUN-10-2021 AT 09:30 AM IN DEPT 302	View	\$30.00
2021-05-03	DECLARATION OF GRACE M. HARRIETT, ESQ. IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER TO PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEMURRER TO PLAINTIFFS FIRST AMENDED COMPLAINT (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE)	View	
2021-05-03	DEMURRER TO 1ST AMENDED COMPLAINT ; ***COURT REPORTER FEES PAID*** (TRANSACTION ID # 100130458) FILED BY DEFENDANT PETRO, RANDALL R. MERCURY GENERAL CORPORATION (ALSO ERRONEOUSLY SUED AS MERCURY INSURANCE) HEARING SET FOR JUN-10-2021 AT 09:30 AM IN DEPT 302	View	\$930.00
2021-03-17	1ST AMENDED COMPLAINT (1ST AMENDED COMPLAINT REFILED 6/11/21 PURSUANT TO 6/7/21 COURT ORDER) (TRANSACTION ID # 100126515) FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC AS TO DEFENDANT MERCURY INSURANCE MERCURY GENERAL CORPORATION KERN, SEGAL & MURRAY SEGAL, PHILIP A. PETRO, RANDALL R. DOES 1-100, INCLUSIVE	View	
2021-01-22	SUMMONS ISSUED TO PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC	View	
2020-12-31	NOTICE TO PLAINTIFF	View	
2020-12-31	DEFAMATION, COMPLAINT FILED BY PLAINTIFF ISON, JAMES J. THE ISON LAW FIRM, PC AS TO DEFENDANT MERCURY INSURANCE MERCURY GENERAL CORPORATION KERN, SEGAL & MURRAY SEGAL, PHILIP A. PETRO, RANDALL R. DOES 1-100, INCLUSIVE SUMMONS ISSUED, JUDICIAL COUNCIL CIVIL CASE COVER SHEET FILED CASE MANAGEMENT CONFERENCE SCHEDULED FOR JUN-02-2021 PROOF OF SERVICE DUE ON MAR-01-2021 CASE MANAGEMENT STATEMENT DUE ON MAY-10-2021	View	\$450.00

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EXHIBIT 3

FILED
San Francisco County Superior Court

SEP 20 2021

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

JAMES J. ISON, THE ISON LAW FIRM, PC,

Plaintiffs,

v.

MERCURY INSURANCE, MERCURY
GENERAL CORPORATION, KERN SEGAL
& MURRAY, PHILIP A. SEGAL,
RANDALL R. PETRO, DOES 1-100,
inclusive,

Defendants.

Case No. CGC-20-589080

**ORDER AND JUDGMENT OF
CONTEMPT**

On August 30, 2021, this Court issued an Order to Show Cause re Contempt against Plaintiff James J. Ison. The order to show cause was based on statements that Attorney Ison made in a motion seeking reconsideration of the Court's July 12, 2021 order granting Defendants Mercury General Corporation and Randall R. Petro's (the "Mercury Defendants") special anti-SLAPP motion to strike Plaintiffs' first amended complaint, in the reply brief in support of that motion for consideration, and at the hearing on the motion held on August 30, 2021. In those briefs, Attorney Ison launched an unprofessional and disrespectful diatribe that personally attacked this judicial officer on the basis of an appellate brief he had filed in 2012, while a lawyer in private practice, and made numerous statements attacking the integrity of the Court. Attorney Ison repeated the same accusations in a brief purportedly filed in support of a motion to tax costs, in a fourth brief filed in opposition to the Mercury Defendants' motion for an award of attorneys' fees and costs, and in a fifth brief filed in opposition to the anti-SLAPP motion filed by co-Defendants Kern Segal & Murray and Philip A. Segal, the Mercury Defendants' counsel in the underlying action. Following a hearing, the Court hereby finds Attorney Ison guilty of five counts of direct criminal contempt of this Court. Attorney Ison is fined \$5,000: \$1,000 for each brief containing contemptuous statements. The Court refers Attorney Ison to the State Bar for investigation and, if appropriate, the imposition of disciplinary sanctions. (Bus. & Prof. Code § 6086.7.)

FACTUAL AND PROCEDURAL BACKGROUND

On March 17, 2021, Plaintiffs James J. Ison and his law firm, the Ison Law Firm, PC, filed an amended complaint against Mercury and its counsel. Attorney Ison had represented a motorist, Brenda Talens, in a motor vehicle personal injury action in San Mateo County Superior Court in which Mercury was defendants' insurer. The amended complaint alleged that the parties to that action had agreed to attend an in-person mediation on December 16, 2020 at the San Rafael offices of a third party mediator, Stuart Diamond. After several hours, the parties reached an impasse and everyone left. The first amended complaint was based on Attorney Ison's improbable claim that the mediator had conspired with defense counsel and the insurance adjuster to defraud him by telling him that counsel and the adjuster were physically present in a conference room

1 down the hall when in fact they were not in the building. In Attorney Ison's view, the mediation
2 was a "sham" in which the mediator went back and forth between Ison and an empty room for four
3 hours. The first amended complaint asserted causes of action against Mercury and its counsel for
4 defamation, abuse of process, civil rights violations, intentional infliction of emotional distress,
5 fraud and deceit, and violation of the Unfair Competition Law.

6 By order filed July 12, 2021, the Court granted the Mercury Defendants' anti-SLAPP
7 motion. The Court found first that the first amended complaint arose from protected activity
8 under the anti-SLAPP statute—*i.e.*, allegations concerning defendants' communications and other
9 protected litigation activity in the underlying San Mateo County personal injury motor vehicle
10 action. The Court rejected plaintiffs' argument that defendants' conduct was "conclusively"
11 illegal within the meaning of *Flatley v. Mauro* (2006) 39 Cal.4th 299. Next, the Court found that
12 plaintiffs did not meet their burden to establish via admissible evidence a probability of prevailing
13 on their claims. It noted that contrary to plaintiffs' unsupported and speculative claim, both the
14 mediator and defense counsel had filed sworn declarations stating that they were, in fact,
15 physically present at the mediation. Finally, it found that plaintiffs' claims were barred by the
16 absolute litigation privilege found in Civil Code section 47(b).

17 Plaintiffs filed a motion for reconsideration of the court's anti-SLAPP ruling. In their
18 motion, Plaintiffs devoted most of their papers to discussing an appellate brief that this judicial
19 officer had filed in unrelated litigation in 2012, when he was an attorney in private practice,
20 arguing that it showed that the Court had intentionally misapplied the law. In the briefs he filed in
21 support of his motion for reconsideration, Attorney Ison made numerous statements that impugned
22 the integrity of the court, which were quoted in full in the Court's OSC. Among other things,
23 Attorney Ison accused the Court of "complete disregard" for the law; "purposely committ[ing]
24 clear and obvious legal errors when ruling in Mercury's favor"; "disregard[ing] and discredit[ing]
25 Plaintiff's evidence"; "biased characterization of the evidence, antagonistic posture and apparent
26 belief that he could make Plaintiff's evidence disappear by judicial fiat"; and conducting a hearing
27 that "was in Plaintiffs' view a sham as Judge Schulman did not intend to give Plaintiffs a fair
28 hearing." Relying on the appellate brief that Judge Schulman had filed years earlier, Attorney

1 Ison asserted that “Judge Schulman has one set of rules and laws for his corporate friends and
2 former clients, and another set of rules and law for an elderly working class injury victim and the
3 attorney protecting her due process rights.” He asserted that “[t]o any fair-minded person who is
4 not in Mercury’s pocket, it is obvious that Judge Schulman granted Mercury’s motion based on
5 something other than the facts and the law,” claimed that the Court “had an ulterior motive for
6 ruling in Mercury’s favor that had nothing to do with the facts and the law,” and charged it with
7 being “biased in Mercury’s favor,” and with “s[ee]king to sabotage Plaintiffs’ appeal and
8 craft[ing] his opinion to serve that purpose.” He asserted that Judge Schulman had prejudged the
9 case, as he “was intent on granting Mercury’s motion the moment it crossed his desk.” Finally, he
10 charged the Court with “a willful and deliberate attempt to fix this case in Mercury’s favor that
11 Judge Schulman will eventually have to answer for even if he currently believes he is above the
12 law.”

13 On August 6, 2021, in yet another brief, Attorney Ison doubled (or tripled) down.
14 Plaintiffs filed a motion to tax the costs sought by Defendants in their memorandum of costs.
15 However, the supporting brief said not one word about those costs, other than to assert without
16 authority that Mercury’s memorandum of costs was “void.” Instead, Attorney Ison used the
17 motion to repeat, and amplify, his prior accusations against the Court. Thus, Attorney Ison
18 asserted in that motion that Mercury had Judge Schulman “in its pocket” (Mot. at 1:5); that Judge
19 Schulman “chose to disobey the law so he could grant Mercury’s motion” (*id.* at 1:16); he accused
20 Judge Schulman of a “headlong rush to grant Mercury’s motion” (*id.* at 6:-13-14); he charged that
21 Judge Schulman was “so drunk on his power he believed he could make the evidence disappear by
22 judicial fiat” (*id.* at 10:10); he accused Judge Schulman of “open disobedience of hundreds of
23 Supreme Court and Court of Appeal decisions,” and asserted without support that “Mercury’s
24 motion was granted the moment it crossed Judge Schulman’s desk” (*id.* at 10:5-6, 8); and he
25 charged that the Court’s “ruling on Mercury’s motion was not only intended to damage Plaintiffs’
26 claims, but also to sabotage their appeal by failing to make findings on key issues” and that “Judge
27 Schulman should be investigated as he has shown in this case that he will disobey the law without
28 compunction when it suits his purposes.” (*Id.* at 14:16-17, 14:20-21.)

1 Nor did Attorney Ison stop there. For good measure, he leveled similar accusations of bias
 2 and impropriety against three judges of the San Mateo County Superior Court, a Justice of the
 3 Court of Appeal, the Chief Justice of the State of California and the Judicial Council. Thus, he
 4 asserted that “the three judges of the San Mateo County Superior Court who have made decisions
 5 in this case have all demonstrated their bias in Mercury’s favor” and accused Mercury of having a
 6 “corrupting influence on the judicial system in California” (*id.* at 8:21-22, 8:27); he attacked a
 7 sitting Justice of the Court of Appeal for a “gratuitous show of respect to a lower court judge”
 8 (this bench officer) in an unpublished opinion that, he contended, “revealed the Justice’s lack of
 9 impartiality” (*id.* at 4:18-19) and “calls into question the fairness and impartiality of every appeal
 10 involving [Judge Schulman’s] orders” (*id.* at 14:5-6); and he even saw fit to attack the Chief
 11 Justice and the Judicial Council for appointing Judge Schulman in 2018—three years *before* the
 12 anti-SLAPP ruling—to sit pro tem on the Court of Appeal, asserting that the Temporary Assigned
 13 Judges Program “remov[es] any appearance of impartiality in a court system that is rapidly losing
 14 its legitimacy and reputation for impartiality in the eyes of the public.” (*Id.* at 13:12-13.)

15 By order filed August 30, 2021, the Court denied Plaintiffs’ motion for reconsideration.
 16 The order rejected as “utterly specious” Plaintiffs’ argument that the Court’s “unexpected
 17 disobedience of the law” in ruling on the motion constituted “new evidence” warranting
 18 reconsideration. (Order at 3, quoting *Gilberd v. AC Transit* (1995) 32 Cal.App.4th 1494, 150.)
 19 On the same date, the Court issued its order to show cause re contempt, which it set for hearing on
 20 September 20, 2021. The OSC provided that Attorney Ison could file a written response by
 21 September 7, 2021. He did not do so, but instead filed a verified statement of disqualification.
 22 The Court struck that statement by order filed September 14, 2021. As the Court observed in that
 23 order, Attorney Ison’s apparent attempt to prevent this Court from holding him in contempt was
 24 unavailing. (*Blodgett v. Superior Court* (1930) 210 Cal. 1, 10 [“a person charged with the
 25 commission of a direct contempt and subject to be summarily punished therefor may not be heard
 26 to urge the disqualification of the judge about to adjudge the party guilty of such direct
 27 contempt.”]; *Vaughn v. Municipal Court* (1967) 252 Cal.App.2d 348, 366 [same].)

28 On August 30, 2021, in a combined brief in opposition to the Kern Segal Defendants’ anti-

1 SLAPP motion and demurrer, Attorney Ison again repeated and indeed amped up the same
2 accusations. Among other things, Attorney Ison accused Judge Schulman of being “a corrupt
3 judge” (Mot. at 1:22); he asserted that Judge Schulman “was a member of [Defendants’]
4 conspiracy and intended to use his power and position as a judge to suppress evidence and
5 effectuate the theft they are in process of committing” (*id.* at 1:25-27); he again accused Judge
6 Schulman of “intentionally disobey[ing] the law” (*id.* at 3:27) and of “intentionally commit[ing]
7 error to arrive at a predetermined result” and of being “biased and corrupt” (*id.* at 4:20-21); he
8 accused him of making “intentional legal errors designed to obtain a predetermined result in
9 Mercury’s favor” (*id.* at 9:12); and he claimed that all Defendants have such “tremendous
10 influence” over this Court and the judges of the San Mateo County Superior Court that “Schulman
11 is even an active participant in their criminal enterprise.” (*Id.* at 13:24-25.)

12 On September 7, 2021, Attorney Ison yet again repeated the same contemptuous
13 statements. In response to the Mercury defendants’ motion for an award of attorneys’ fees and
14 costs in connection with their successful anti-SLAPP motion, Attorney Ison filed a brief that did
15 not address that request, but instead reargued his attack on the Court for having purportedly
16 entered into a “conspiracy” with defendants to defraud him in alleged violation of RICO. Among
17 other things, Attorney Ison asserted that “Judge Schulman granted Mercury’s motion based on
18 fraud, perjury and his decision to rule in Mercury’s favor irrespective of the law, facts, and
19 evidence” (Opp. at 1:27-2:2); he accused the Court of basing its ruling on two sworn declarations
20 “knowing full well they were perjurious,” of “disregard[ing] well established law in deliberately
21 committing clear and obvious legal errors,” and of issuing a ruling that “had nothing to do with the
22 evidence or the law” (*id.* at 4:9-15); he accused the Court of “using his office to enrich his friends
23 who now seek \$165,000 in attorneys’ fees based on his ruling,” and of turning “Department 302 of
24 the San Francisco Superior Court into the hub of a criminal enterprise engaged in racketeering
25 activities.” (*Id.* at 7:6-9.)

26 In a brief belatedly filed on the eve of the hearing on the order to show cause, Attorney
27 Ison insists that all of his statements were well-founded—indeed, he claims that he had a “duty” to
28 make them—and asserts that “truth is an absolute defense in contempt proceedings such that

1 Judge Schulman has no grounds for holding Ison in contempt.” He was similarly unrepentant in
 2 the argument he presented at the hearing.

4 DISCUSSION

5 A direct contempt “is committed in the immediate view and presence of the court, or of the
 6 judge at chambers.” (Code Civ. Proc. § 1211(a).) It may be punished “summarily.” (*Id.*) “[I]t is
 7 the settled law of this state that an attorney commits a direct contempt when he impugns the
 8 integrity of the court by statements made in open court either orally or in writing. Insolence to the
 9 judge in the form of insulting words or conduct in court has traditionally been recognized in the
 10 common law as constituting grounds for contempt. . . . The judge of a court is well within his
 11 rights in protecting his own reputation from groundless attacks upon his judicial integrity and it is
 12 his bounden duty to protect the integrity of his court. However willing he may be to forego the
 13 private injury, the obligation is upon him by his oath to maintain the respect due to the court over
 14 which he presides.” (*In re Buckley* (1973) 10 Cal.3d 237, 248-249 (citations and quotations
 15 omitted).)

16 Here, over and over and over again, Attorney Ison made numerous written and oral
 17 statements attacking the integrity of the Court, each of which is “contemptuous on its face.” (*Id.* at
 18 250.) Those statements are “insolent, offensive, insulting, and impugned the integrity of the
 19 court.” (*Id.*) Many of Attorney Ison’s statements are substantially identical to (indeed, even more
 20 flagrant and extreme than) statements by attorneys that have been found in reported decisions to
 21 warrant findings of contempt.

22 Thus, Attorney Ison repeatedly accused this Court of “intentionally misapply[ing] the
 23 law,” “complete disregard” for the law, “purposely commit[ing] clear and obvious legal errors,”
 24 “open disobedience” of legal precedent, etc. “[I]t is contemptuous for an attorney to say or imply
 25 that the court knows the law but has deliberately chosen not to follow it.” (*In re White* (2004) 121
 26 Cal.App.4th 1453, 1478.) In *In re Buckley*, the California Supreme Court squarely held that a
 27 single closely similar statement—“[t]his Court obviously doesn’t want to apply the law”—was
 28 “contemptuous on its face.” (10 Cal.3d at 250.) As the Court explained, that language, “fairly

1 read, means, as indeed the trial judge took it to mean, that the judge knew the law but deliberately
 2 chose to ignore it.” (*Id.*) Such “a charge of deliberate judicial dishonesty” is “insolent, offensive,
 3 insulting, and impugned the integrity of the court,” and is “contemptuous on its face.” (*Id.*; see
 4 also *Martinez v. O’Hara* (2019) 32 Cal.App.5th 853, 857-858 [statements in appellate briefs that
 5 “repeatedly accuse[d] [the trial court] of *intentionally* refusing to follow and apply the law” and of
 6 “an effort to thwart appellate review of its decision,” made without support in the record,
 7 constituted “reportable misconduct”].) The same conclusion follows as to Attorney Ison’s repeated
 8 accusations that the Court deliberately ignored evidence that, he contended, supported his position,
 9 and that its ruling was based on something other than the facts and the law.

10 Attorney Ison also accused the Court of being biased against him and in favor of his
 11 opponent and of having prejudged the motion. Thus, he charged that the Court “did not even
 12 attempt to make a pretense of fairness or impartiality,” that it was “incapable of being fair and
 13 impartial where Mercury Insurance is concerned,” that Judge Schulman “was intent on granting
 14 Mercury’s motion the moment it crossed his desk,” and that the Court committed error to obtain a
 15 “predetermined result.” “[I]t is contemptuous for an attorney to make the unsupported assertion
 16 that the judge was ‘act[ing] out of bias toward a party.’” (*In re S.C.* (2006) 138 Cal.App.4th 396,
 17 422, quoting *In re White*, 121 Cal.App.4th at 1478 (collecting cases).)

18 Worse yet, Attorney Ison went so far as to charge the Court with “a willful and deliberate
 19 attempt to fix this case in Mercury’s favor,” and asserted that the Court deliberately crafted its
 20 order in order to “sabotage Plaintiffs’ appeal.” Attorney Ison even went so far as to charge the
 21 Court with “corruption,” asserting that Mercury had Judge Schulman “in its pocket,” and that the
 22 Court had an “ulterior motive” for ruling in favor of Defendant Mercury Insurance Company.
 23 And he charged that the Court had entered into a conspiracy with Defendants to suppress evidence
 24 and defraud him, and charged Judge Schulman with misusing his office to “enrich his friends,” of
 25 being “an active participant in [Defendants’] criminal enterprise,” and with turning the Court’s law
 26 and motion department into “the hub of a criminal enterprise engaged in racketeering activities.”

27 In *In re Koven* (2005) 134 Cal.App.4th 262, 272, the Court of Appeal found strikingly
 28 similar statements to be “far more egregious” than the statements in *Buckley*, *White*, and a third

1 case.¹ In *In re Koven*, counsel for appellant filed petitions for rehearing in which she alleged that,
 2 “because of this court’s personal relationship with defendants and bias in their favor, we ‘fixed’
 3 the appeals so that defendants would prevail. The word ‘fix’ means ‘to influence or arrange the
 4 outcome of by unlawful means.’ As it relates to the outcome of a lawsuit, the term carries the
 5 connotation that for money consideration, a certain result can be purchased from a judge of the
 6 court. This is also known as bribery.” (*Id.* (citations omitted).) Similarly, counsel claimed that
 7 the court “conspired” with defendants to defeat her client’s appeal, and accused the court of
 8 “ignoring the law and misrepresenting the evidence ‘[i]n order to manipulate an affirmance.’”
 9 (*Id.*) As the court observed, and as is equally true here, counsel’s charges “are not only false, they
 10 are outrageous. We can think of no accusation more serious or injurious to a court’s reputation
 11 than that it ‘conspired’ with a party to ‘fix’ the case.” (*Id.* at 276.) It found counsel guilty of two
 12 counts of direct criminal contempt of the court: one count for each petition for rehearing. (*Id.* at
 13 277; accord, *In re Mahoney* (2021) 65 Cal.App.5th 376, 379-380 [holding attorney in direct
 14 contempt for impugning integrity of court in petition for rehearing stating that trial court’s and
 15 Court of Appeal’s decisions were “based not on a reading of the law but on their general
 16 corruption and openness to political influence”].)² The same result follows ineluctably here.

24 ¹ In *Hanson v. Superior Court* (2001) 91 Cal.App.4th 75, 84-85, the court held that a lawyer’s
 25 statement that his client “has not received a fair trial” was contemptuous on its face “because it
 impugned Judge Henry’s integrity by suggesting he had failed in his duty to guarantee a fair trial.”

26 ² Attorney Ison’s statements also constitute an egregious violation of his statutory obligation “[t]o
 27 maintain the respect due to the courts of justice and judicial officers.” (Bus. & Prof. Code §
 6068(b); see *Ramirez v. State Bar* (1980) 28 Cal.3d 402, 406, 409, 411-412 [attorney suspended
 28 for arguing in a brief that appellate judges were induced to act in an unlawful manner by
 opponent’s “power, influence and money”].)

CONCLUSION

Attorney Ison remains unapologetic and entirely oblivious to the egregiously improper and contemptuous nature of his statements. In a similar recent case, a court observed that directing such accusations at judges is not acceptable or legitimate argument. “We have elsewhere lamented the fact modern law practice is ‘rife with cynicism, awash in civility.’ This kind of over-the-top, anything-goes, devil-take-the-hindmost rhetoric has to stop.” (*In re Mahoney*, 65 Cal.App.5th at 380.)³ As the court observed,

The timbre of our time has become unfortunately aggressive and disrespectful. Language addressed to opposing counsel and courts has lurched off the path of discourse and into the ditch of abuse. This isn’t who we are.

We are professionals. Like the clergy, like doctors, like scientists, we are members of a profession, and we have to conduct ourselves accordingly. Most of the profession understands this. The vast majority of lawyers know that professional speech must always be temperate and respectful and can never undermine confidence in the institution. Cases like this should instruct the few who don’t.

Respect for individual judges and specifics is a matter of personal opinion. Respect for the institution is not; it is a *sine qua non*.⁴

The Court finds Attorney Ison in direct contempt for his statements impugning the integrity of the Court, and orders him to pay a fine of \$5,000 (\$1,000 for each brief containing

³ The court “mentioned Attorney Mahoney’s occupation in every reference to him to emphasize the dimension of his offensive conduct. We would have been shocked by this had he been in *propria persona*; for an attorney at law to repeatedly denigrate the system in this manner is beyond the collective century-and-a-half of this panel’s experience.” (*Id.* at 380 fn. 1.) For the same reasons, this Court has followed the same convention in referring to Attorney Ison.


⁴ Attorney Ison also impugned the integrity of opposing counsel and their clients. In addition to the numerous statements quoted above accusing Defendants and their counsel without basis of everything from fraud to perjury to racketeering, the record contains a deposition transcript in which Attorney Ison saw fit to accuse an individual defendant of making an “outright lie” in responding to questions. In response to opposing counsel’s objection, he was unapologetic: “I am calling him a liar. Yes, I am.” (Ison Decl. (filed July 26, 2021), Ex. E at 108:12, 109:11-15.) “It appears to us that [Attorney Ison’s] approach to litigation . . . focused upon impugning the integrity of everyone in the legal system, whether judges, justices, attorneys, or expert witnesses, who obstruct the achievement of [his] goals. This shows a pattern of abuse which serves to aggravate the contempts committed here.” (*In re Koven*, 134 Cal.App.4th at 276.)

1 such statements),⁵ payable to the clerk's office of this court within 30 days.

2 Pursuant to Canon 3D(2) of the California Code of Judicial Ethics and Business and
3 Professions Code section 6086.7, the clerk of this court is directed to forward to the State Bar a
4 copy of this judgment of contempt.

5 **IT IS SO ORDERED.**

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8 DATED: September 20, 2021


The Honorable Ethan P. Schulman
Judge, San Francisco Superior Court

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27 ⁵ The Court does not find Attorney Ison in contempt for the statements he made at the August 30,
28 2021 and September 20, 2021 hearings reiterating the accusations in his briefs, for the statements
made in his late-filed response to the order to show cause, nor for those in his federal court
complaint and other filings or in his complaint to the Commission on Judicial Performance.

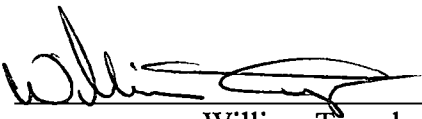
CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, William Trupek, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On September 20, 2021, I electronically served the attached ORDER AND JUDGMENT OF CONTEMPT via email to counsel at the following email addresses: James J. Ison, Esq. james@jisonlaw.com, counsels for Plaintiff, James J. Ison and The Ison Law Finn, PC., and Todd P. Drakeford, Esq., tdrakeford@kernlaw.com; counsel for Defendants, Mercury General Corporation, et al.

Date: September 20, 2021

MICHAEL T. YUEN, Clerk

By: 

William Trupek,
Deputy Court Clerk